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WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: June 9, at 9 a.m.
WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC.
RESERVATIONS: Gertrude E. Belton, 202–523–5237

CHICAGO, IL

WHEN: July 8, at 9 a.m.
WHERE: Room 204A,
Everett McKinley Dirksen Federal Building,
219 S. Dearborn Street,
Chicago, IL.
RESERVATIONS: Call the Chicago Federal Information Center, 312–353–0339.

BOSTON, MA

WHEN: July 15, at 9 a.m.
WHERE: Main Auditorium, Federal Building,
10 Causeway Street,
Boston, MA.
RESERVATIONS: Call the Boston Federal Information Center, 617–565–8129

Contents

Federal Register

Vol. 52, No. 93

Thursday, May 14, 1987

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

5653 18187
5654 18189

5 CFR

842 18191

7 CFR

278 18196
1477 18198

8 CFR

Proposed Rules:

204 18236

9 CFR

92 18199

12 CFR

605 18200

17 CFR

211 18200

Proposed Rules:

240 18237

18 CFR

11 18201
16 18227
389 18227

19 CFR

101 18322

24 CFR

232 18228
235 18228

33 CFR

117 18229
165 (2 documents) 18230
166 18231
207 18234

40 CFR

Proposed Rules:

52 (4 documents) 18240–18244
712 (2 documents) 18245, 18250
716 18245

47 CFR

Proposed Rules:

73 18253

Federal Register
Vol. 52, No. 93
Thursday, May 14, 1987

Presidential Documents

Title 3—

The President

Proclamation 5653 of May 12, 1987

Just Say No to Drugs Week, 1987

By the President of the United States of America

A Proclamation

In recent years, the American people have begun to work together and make significant progress against the intolerable effects of illegal drugs on our way of life. The possibility of realizing our dream of a drug-free generation of American youth took a giant step forward when young people started to join together and organize around the battle cry of JUST SAY NO TO DRUGS.

Today, Just Say No Clubs are setting a new standard of leadership with young people who want to be drug-free. The clubs are an expression of the concerns and the responsibility of young Americans—a positive, constructive step against the tyranny of drugs in schools and communities. The demand to be drug-free is one all of us should heed in our homes and workplaces; our Nation has a commitment to the safety and well-being of young people, and much remains to be done if we are to have a drug-free society that refuses to tolerate the presence and use of illegal drugs. The heritage and the promise of America bid all of us to live up to our responsibility to say no to illegal drugs and alcohol abuse.

I salute the young people who demonstrate their common sense by saying no to drugs and who exhibit leadership by encouraging their friends to do the same. I urge every American to support and emulate the commendable actions of these young people who give us the hope that our next generation may be drug-free.

To recognize the contributions of these young Americans, the Congress, by Senate Joint Resolution 124, has designated the week of May 10 through May 16, 1987, as "Just Say No to Drugs Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of May 10 through May 16, 1987, as Just Say No to Drugs Week. I call upon officials at every level of government, civic groups, the clergy, educators, the media, and all citizens to support our youth in observing this week with appropriate programs, ceremonies, and activities. I also ask all Americans to make a personal commitment to Just Say No to illegal drugs and alcohol abuse as they participate in activities during this week.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of May, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 87-11225
Filed 5-13-87; 10:14 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5654 of May 12, 1987

National Osteoporosis Awareness Week, 1987

By the President of the United States

A Proclamation

Every American should know the seriousness of osteoporosis and the need to find ways to cure and prevent it. This disease causes bone mass to decrease, which weakens bones and makes them susceptible to fracture. Osteoporosis afflicts 15 to 20 million Americans, most of them women. It affects half of the women in the United States age 45 or older, and 90 percent of women over 75—bringing pain, decreasing mobility, hampering daily functions, and sometimes ending independence. Every year more than a million Americans suffer fractures because of this disease, most often of the spine, wrists, and hips.

Because the number of elderly Americans continues to rise, so does the incidence of osteoporosis. Fortunately, private organizations and the Federal government are conducting research into this malady. Together they are making new research findings and developing new approaches to prevention, diagnosis, and treatment. In this way, working together, we can discover the causes and cure of this major public health problem and eliminate or diminish it.

The Congress, by Senate Joint Resolution 55, has designated the week of May 10 through May 16, 1987, as "National Osteoporosis Awareness Week," and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of May 10 through May 16, 1987, as National Osteoporosis Awareness Week. I urge the people of the United States and educational, philanthropic, scientific, medical and health care organizations, and professionals to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of May, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 87-11226
Filed 5-13-87; 10:15 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 52, No. 93
Thursday, May 14, 1987

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 842

Federal Employees Retirement System—Basic Annuity; Credit for Service

AGENCY: Office of Personnel Management.

ACTION: Interim rulemaking with request for comment.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim rules implementing the provisions of the Federal Employees Retirement System (FERS) Act of 1986 governing creditable service and service credit deposits. These rules establish the conditions for allowing credit for both military and civilian service and for making deposits under FERS.

DATES: Interim rules effective January 1, 1987; comments must be received on or before July 13, 1987.

ADDRESSES: Send comments to Frank D. Titus; Director, FERS Implementation Task Force; Retirement and Insurance Group; Office of Personnel Management; P.O. Box 884; Washington, DC 20044; or deliver to OPM, Room 3311, 1900 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John E. Landers, (202) 632–5560.

SUPPLEMENTARY INFORMATION: The FERS Act of 1986, Pub. L. 99–335, effective January 1, 1987, created a new retirement system to supplement social security coverage for Federal employees who were hired after 1983 and for others who may elect to come under it.

These interim regulations implement 5 U.S.C. 8411 establishing the conditions under which OPM will grant credit for service under FERS, except as otherwise provided under title III of Pub. L. 99–335, which sets forth the rules for employees who are not automatically covered by FERS but elect to join the new system. These elections and the rights of electing individuals will be addressed in upcoming OPM regulations creating a new Part 846 (Elections by Employees Covered by Civil Service Retirement System) of Title 5, Code of Federal Regulations.

I. General

The basic concept of service credit under FERS is that, with certain exceptions explained below, all Federal Government service (both civilian and military) may be credited. Generally, service cannot be credited unless it is covered by contributions to the system. Beginning in 1989, civilian service not subject to retirement deductions at the time it is performed is not creditable.

Refunds under FERS permanently extinguish service credit. Employees who leave Federal service before retirement are generally eligible for a refund of their retirement deductions and deposits. The FERS law states at 5 U.S.C. 842(a) that with regard to FERS basic annuity, disability, and survivor benefits, payment of the refund before retirement "voids all annuity rights" based on the service included in the refund. Under the Civil Service Retirement System (CSRS) (subchapter III of chapter 83 of title 5, United States Code) the law contains similar language at 5 U.S.C. 8342(a): the refund "voids all annuity rights . . . until the employee . . . is reemployed in the service subject to this subchapter." However, unlike CSRS, there is no provision in FERS permitting an employee to redeposit a refund upon reemployment. The FERS provision voiding "all annuity rights" when read in the context of the general structure of FERS (generally barring credit for a period of service unless it is covered by contributions to the system and not allowing redeposit of a FERS refund) requires that no credit be granted for any purpose under FERS basic benefit provisions if a refund of deductions and deposits has been paid under FERS.

Section 843.202(b) of Title 5, Code of Federal Regulations (52 FR 2075, January 16, 1987) states that a refund of deductions and prior deposits under 5 U.S.C. 8424(a) prevents the service involved from ever again becoming creditable for any purpose under FERS. The service cannot be used in computing an annuity nor for meeting the length of service requirements for entitlement to annuity. This bar to credit applies to refunded military service deposits as well as civilian service deposits, except as otherwise provided under title III of Pub. L. 99–335 (concerning employees who elect FERS coverage). Section 842.308 of these interim regulations provides special refund rules for employees who take a refund of deductions and deposits made before becoming subject to FERS. Under these rules, a partial refund can be paid (leaving unrefunded the amount equivalent to a FERS service credit deposit) so as to allow credit under FERS to be retained.

No service credit is allowed for a period of formal separation from service, except for a period of separation of less than 4 days and a period of separation during which an individual was receiving Federal workers' compensation benefits for on-the-job injury or disease, provided the individual returns to duty in the Government. Also, service credit cannot exceed calendar time, even if an employee has more than one Federal appointment.

Any period of time for which service credit under chapter 84 of title 5, United States Code, is specifically allowed by a provision of law may be credited even though the individual does not meet the FERS definition of an employee. This rule does not apply to provisions of law that provide that an individual who does not otherwise meet the definition of an "employee" under FERS (5 U.S.C. 8401(11)) may be covered under subchapter III of chapter 83 of title 5, United States Code. For example, section 205(d)(2) of Pub. L. 98–620 states that employees of the State Justice Institute will be considered employees of the United States "solely" for the purposes of the Federal Employees Compensation Act, the Civil Service Retirement System (subchapter III of chapter 83 of title 5, United States Code), and Federal employees health and life insurance laws. Statutes such as this do not grant coverage under 5 U.S.C. chapter 84; and accordingly, these "non-Federal employees," who are covered by CSRS, cannot be covered under FERS.

Other laws specifically address FERS retirement coverage for non-Federal employees. Employees of the U.S. Postal Service are covered by FERS under section 306 of Pub. L. 99–335. Two recent

provisions of law, title VI of Pub. L. 99–500, the Metropolitan Washington Airports Act of 1986, and section 111 of the same law specifically state that certain non-Federal employees may be covered by FERS. These provisions pertain to certain former Federal employees working for Washington National or Dulles airports at the time the airports are transferred to a newly created Airports Authority (a non-Federal entity) and certain former employees of the House of Representatives who lose their Federal jobs and are employed by a private contractor. Individuals benefiting under these provisions will have the opportunity to become covered by FERS. See § 842.303(b) of these interim regulations concerning another recent statute that provides service credit under FERS for certain service during World War II performed by individuals who were not Federal employees.

II. Civilian Service

FERS credit is granted under § 842.304 for the following categories of civilian service with the Federal Government and the U.S. Postal Service:

(1) Service performed after December 31, 1986, subject to FERS salary deductions (5 U.S.C. 8411(b)(1));

(2) Service performed before 1989 (other than service in paragraph (1) above) that would be creditable for an employee subject to CSRS, including service during 1984, 1985, or 1986 that was subject to 1.3 percent salary deductions under the Federal Employees Retirement Contributions Temporary Adjustment Act of 1983 (5 U.S.C. 8411(b)(2) and (3));

(3) Service creditable under the Foreign Service Pension System if the employee waives credit for the service under that System and makes a FERS deposit (5 U.S.C. 8411(b)(4));

(4) Periods of leave without pay, up to 6 months per calendar year. The 6-month limit does not apply to a period of leave without pay while performing military service or while receiving workers' compensation benefits under the Federal Employees Compensation Act (5 U.S.C. 8411(d));

(5) Certain other periods of leave without pay while serving as an officer or employee of an employee organization (5 U.S.C. 8411 (e)); and

(6) Certain periods while an employee is assigned on detail or leave without pay to a State or local government (5 U.S.C. 3373).

Under section 1 of Pub. L. 99–638, certain service performed for the Cadet Nurse Corps during World War II (not previously creditable) is made creditable. Section 842.304(b) of these interim regulations establishes the conditions under which this service may be credited.

III. Military Service

Military service is generally creditable under FERS. (See § 842.306 of these regulations.) "Military service" means honorable active service in the armed forces; the commissioned corps of the Public Health Service after June 30, 1960; the commissioned corps of the National Oceanic and Atmospheric Administration, or a predecessor entity in function, after June 30, 1961; and National Guard service when ordered to active duty in the service of the United States. Only service performed before the separation on which title to annuity is based is creditable.

Military service performed after 1956 cannot be credited unless the employee deposits 3 percent of military basic pay paid under 37 U.S.C. 204. The deposit will include interest if paid more than 3 years after the employee first becomes covered by FERS. (See § 842.307.) No deposit is required for military service performed before 1957.

No credit is allowed for any period of military service used in the computation of military retired pay (see exceptions to this rule below) unless the retiree waives receipt of the military retired pay. The retiree does not have to waive military retired pay if it is awarded —

(a) Based on a service-connected disability either (1) incurred in combat with an enemy of the United States; of (2) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by 38 U.S.C. 301; or

(b) Under 10 U.S.C. Chapter 67, relating to reservist service.

Section 502 of Pub. L. 99–556, approved October 27, 1986, amended 5 U.S.C. 8411(c) to allow OPM to credit military service in the computation of survivor annuity even though the employee, a military retiree, had not waived military retired pay. The survivor, however, may elect not to credit the military service. If the survivor's annuity includes military service credit, it is reduced by the amount of the survivor's benefits (other than a child's benefits) payable under the uniformed service retirement system that are based on the military service included in the FERS annuity. This amendment applies only in the event of a death in service. If the death occurs after the date of separation from service, military service that formed the basis for a military retired pay award cannot be included in the computation of a survivor annuity, if any, unless the former employee had waived the military retired pay effective before the date of death.

For cases involving a death in service before the 180th day after enactment of Pub. L. 99–556, subsection (c)(2) of section 502 of that law provides that the "recomputation" of an existing survivor annuity benefit to add military service credit will be delayed until 2 months after OPM receives the survivor's application to have the annuity recomputed. However, these interim regulations make no distinction between cases involving a death in service before the 180th day after enactment of Pub. L. 99–556 and those involving a later death. Because recomputation of an earlier benefit is not an issue for FERS cases, military service will be considered creditable from the date of death in FERS cases, rather than requiring an unintended 2-month delay. The distinction between the earlier and later deaths will be applicable only in CSRS cases.

IV. Deposits

Allowable deposits for civilian and military service are addressed in §§ 842.305 and 842.307. Deposits are generally allowed for nondeduction civilian service performed before 1989 (5 U.S.C. 8411(f)(2)) and service previously covered by deductions or deposits if a refund was paid before the employee became subject to FERS, that is, if the refund was paid under CSRS (5 U.S.C. 8342). If the refund is paid after the employee becomes subject to FERS, there is no provision allowing a redeposit because 5 U.S.C. 8411(f)(1), the provision of FERS that permits deposits for a period of service previously covered by CSRS, applies only if the refund was paid under CSRS.

All FERS deposits for civilian service equal 1.3 percent of basic pay, plus interest, and are paid to OPM directly by the employee. FERS deposits for military service performed after 1956 equal 3 percent of military basic pay and include interest if the deposit is not completed within 3 years from the date the employee first became subject to FERS. Military service deposits are paid to the employing agency and forwarded to OPM.

V. Refunds of CSRS Deductions and Deposits

Some employees in FERS have past civilian service covered by full (usually 7%) CSRS deductions, deposits, or redeposits. Others have made 7 percent deposits for military service performed after 1956. Unless these employees are eligible for a CSRS component of an eventual FERS annuity (that is, unless

they transfer to FERS having at least 5 years of civilian service, not counting service simultaneous covered by both CSRS and social security), their past civilian and military service is covered under FERS rules. These employees may receive a partial refund of the deductions, deposits, or redeposits paid at the higher CSRS rate.

Section 842.308 of these interim regulations governs the provisions granting refunds of deductions and deposits for civilian and military service that were made under CSRS rules or before the employee became subject to FERS. In the interest of efficiency, the regulations establish that, in the case of a current employee who is eligible to receive the refund, only the difference between the amount to the employee's credit and the amount of a FERS deposit for the service will be paid. Separated employees who apply for a refund of deductions and deposits for this service may elect to receive the full amount to their credit or take only the amount over and above the amount needed to receive FERS credit for the service. If the employee receives the full amount, the effect is to extinguish forever future credit for the service covered by the refund. Either OPM or the employing agency will pay these refunds, depending on the location of the necessary records at the time the refund application is filed.

Waiver of notice of proposed rulemaking and 30-day Delay of Effective Date

Under 5 U.S.C. 553(b)(3)(B) and (d)(3), I find that good cause exists for waiving the general notice of proposed rulemaking and for making these regulations effective in less than 30 days. Publication of proposed rulemaking would be impractical. The provisions being implemented were effective January 1, 1987, and retirement and survivor benefits under FERS are already becoming payable. These regulations are needed to specify the amount of service that will be included for entitlement purposes and in the benefit computations.

E.O. 12991, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that within the scope of the Regulatory Flexibility Act, these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal employees and retirees.

List of Subjects in 5 CFR Part 842

Administrative practice and procedure, Air traffic controllers, Claims, Firefighters, Government employees, Law enforcement officers, Pensions, Retirement.

Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM is amending Part 842 of Title 5 of the Code of Federal Regulations to add Subpart C to read as follows:

PART 842—FEDERAL EMPLOYEES RETIREMENT SYSTEM—BASIC ANNUITY

* * * * *

Subpart C—Credit for Service

Sec.

Subpart C—Credit for Service

Authority: 5 U.S.C. 8461(g).

§ 842.301 Purpose.

This subpart sets forth the provisions governing credit for service under the Federal Employees Retirement System (FERS), 5 U.S.C. 8411. Except as provided by section 302 of the Federal Employees' Retirement System Act of 1986, Pub. L. 99-335 (the special provisions for employees who elect to transfer to FERS), service not creditable under this subpart is not creditable either for the purposes of determining eligibility to an annuity or in computing the rate of an annuity benefit under subchapter II (basic annuity), IV (survivor annuity), or V (disability annuity) of chapter 84 of title 5 of the United States Code.

§ 842.302 Definitions.

"Cadet Nurse Corps" means any training as a student or graduate nurse under a plan approved under section 2 of the Act of June 15, 1943 (57 Stat. 153).

"Employee" means an employee as defined by 5 U.S.C. 8401(11).

"FERS" means the Federal Employees Retirement System as established under chapter 84 of title 5, United States Code.

"Government" means the Federal Government and Gallaudet College.

"Member" means a Member of Congress as defined by 5 U.S.C. 8401(20).

"Military service" means honorable active service in the armed forces of the United States; in the commissioned corps of the Public Health Service after June 30, 1960; or in the commissioned corps of the National Oceanic and Atmospheric Administration, or a predecessor entity in function, after June 30, 1961. "Military service" does not include service in the National Guard except when ordered to active duty in the service of the United States.

"Survivor" means a current spouse, a child or a former spouse who is entitled to an annuity in accordance with Part 843 of this chapter.

§ 842.303 General.

(a)(1) Except as provided in paragraph (a)(2) of this section, no service credit is allowed for a period of separation from service.

(2) Service credit is allowed for a period of separation of less than 4 days and for a period of separation during which an individual was receiving benefits under subchapter I of chapter 81 of title 5, United States Code, provided the individual returns to duty in the Government subject to FERS.

(b) Service credit cannot be granted in excess of actual calendar time from the date of appointment to the date of separation from service.

(c) Any period of time for which service credit under chapter 84 of title 5, United States Code, is specifically allowed by a provision of law is creditable under this subpart subject to any applicable deposit requirements.

§ 842.304 Civilian service.

(a) Except as otherwise provided under title III of the Federal Employees' Retirement System Act of 1986, an employee or Member is entitled to credit for all purposes under FERS for a period of civilian service with the Government or the U.S. Postal Service—

(1) Performed after December 31, 1986, which is covered service under Subpart A of this part and for which deductions required under 5 U.S.C. 8422(a) have not been refunded;

(2) That, other than service under paragraph (a)(1) of this section—

(i) Was performed before 1989;

(ii) Would have been creditable under 5 U.S.C. 8332 if the employee or Member were subject to subchapter III of chapter 83 of title 5, United States Code, without regard to any deposit, redeposit, or coverage requirement under that subchapter; and

(iii) Is covered by deductions or a deposit required by § 842.305 and the deductions or deposit have not been refunded after the employee or Member first became subject to FERS;

(3) That was creditable under subchapter II of chapter 8 of title 1 of the Foreign Service Act of 1980 (Foreign Service Pension System), provided—

(i) The employee or Member waives credit for the service under the Foreign Service Pension System; and

(ii) The employee or Member makes the deposit required by § 842.305, and the deposit is not refunded;

(4) While on leave of absence without pay, subject to a limit of 6 months per calendar year, except that the 6-month limit does not apply while—

(i) Performing military service; or

(ii) Receiving benefits under subchapter I of chapter 81 of title 5, United States Code;

(5) While on approved leave without pay granted to serve as a full-time officer or employee of an organization composed primarily of employees, as defined by section 8331(1) or 8401(11) of title 5, United States Code, provided—

(1) The employee elects, within 60 days after the commencing date of leave without pay, to pay to the employing agency the retirement deductions and agency contributions that would be applicable if the employee were in a pay status;

(ii) Payments of the deductions and contributions begin on a regular basis within 60 days after the commencing date of leave without pay; and

(iii) Payments of the required deductions and contributions are completed and not refunded; and

(6) While assigned on detail or leave without pay to a State or local government under 5 U.S.C. 3373, provided—

(i) The normal cost percentage (under Subpart D of Part 841 of this chapter) for the employee (who is deemed to continue in the same normal cost percentage category as applicable on the date of the assignment) is remitted to OPM for each pay period during the assignment; and

(ii) The employee, or, if he or she dies without making an election, his or her survivor, does not elect to receive benefits under any State or local government retirement law or program, which OPM determines to be similar to FERS.

(b) *Cadet Nurse Corps.* (1) Service credit is allowed under Pub. L. 99–638 for a period of service performed with the Cadet Nurse Corps provided—

(i) The service totaled 2 years or more;

(ii) The individual submits an application for service credit to OPM no later than January 10, 1988;

(iii) The individual is employed by the Federal Government in a position subject to subchapter III of chapter 83 of title 5, United States Code (other than 5 U.S.C. 8344) or chapter 84 of that title (other than 5 U.S.C. 8468) at the time he or she applies to OPM for service credit under this provision; and

(iv) The individual makes a deposit for the service in accordance with § 842.305(g) before the date of separation from service on which the individual's entitlement to annuity is based.

§ 842.305 Deposits for civilian service.

(a) *Eligibility—current and former employees or Members.* An employee or Member subject to FERS and a former employee or Member who is entitled to an annuity may make a deposit for civilian service described under paragraphs (a)(2) and (a)(3) of section 842.304 upon application to OPM in a form prescribed by OPM. A deposit for civilian service cannot be made after adjudication of the employee's or Member's application for annuity becomes final under § 842.609.

(b) *Eligibility—survivors.* If an employee or Member was, at the time of death, eligible to make a deposit, the employee's survivor may make the deposit for civilian service. A deposit under this paragraph cannot be made after adjudication of the survivor's application for benefits becomes final, which is 30 days after the date of OPM's notice to the survivor of the annuity rates with and without making the deposit.

(c) *Distinct period of service.* A deposit is not considered to have been made for any distinct period of service unless the total amount due for the period is paid in full. A distinct period of civilian service for this purpose is a period of civilian service that is not interrupted by a break in service of more than 3 days.

(d) *Amount of deposits.* The amount of a deposit for a period of service under § 842.304(a)(2) equals 1.3 percent of the basic pay for the service, plus interest. The amount of a deposit for a period of service under § 842.304(a)(3) equals the amount that would have been deducted from pay under 5 U.S.C. 8422(a) had the employee been subject to FERS during the service, plus interest.

(e) *Interest.* (1) Interest is charged at the rate of 4 percent a year through December 31, 1947; 3 percent a year beginning January 1, 1948, through December 31, 1984; and thereafter at a rate as determined by the Secretary of the Treasury for each calendar year that equals the overall average yield to the Civil Service Retirement and Disability Fund (the Fund) during the preceding fiscal year from all obligations purchased by the Secretary during such fiscal year under 5 U.S.C. 8348 (c), (d), and (e).

(2) The computation of interest is on the basis of 30 days to the month. Interest is computed for the actual calendar time involved in each case; but, whenever applicable, the rule of average applies.

(3) Interest is computed from the mid-point of each service period included in the computation or from the date of a refund. The interest accrues annually on the outstanding portion, and is compounded annually, until the portion is deposited. Interest is charged to the date of deposit or commencing date of annuity, whichever is earlier, but is not charged for a period of separation from the service that began before October 1, 1956.

(f) *Forms of deposit.* Deposits may be made in a single lump sum or in installments not smaller than $50 each.

(g) *Cadet Nurse Corps.* (1) Upon receiving an application for service credit with the Cadet Nurse Corps, OPM will determine whether all the conditions for creditability (§ 842.304(b)) have been met; compute the deposit, including interest; and advise the employing agency and the employee of the total amount of the deposit due. The rate of basic pay for this purpose is deemed to be $15 per month for the first 9 months of study; $20 per month for the 10th through the 21st months of study; and $30 per month for any month in excess of 21 months. Interest is computed in accordance with paragraph (e) of this section.

(2) The employing agency must establish a deposit account showing the total amount due and a payment schedule (unless deposit is made in one lump sum) to record the date and amount of each payment.

(3) If the individual cannot make payment in one lump sum, the employing agency must accept installment payments (by allotments or otherwise). The employing agency, however, is not required to accept individual checks in amounts less than $50.

(4) Payments received by the employing agency must be remitted to OPM immediately for deposit to the Civil Service Retirement and Disability Fund.

(5) Once the employee's deposit has been paid in full or closed out, the employing agency must submit the

documentation pertaining to the deposit to OPM in accordance with instructions issued by OPM.

§ 842.306 Military service.

(a) Except as provided in paragraph (b), and unless otherwise provided under Title III of the Federal Employees' Retirement System Act of 1986, an employee's or Member's military service is creditable if it was performed—

(1) Before January 1, 1957; or

(2) After December 31, 1956, subject to payment, before separation from service, of the deposit required by § 842.307.

(b) Credit for a period of military service is not allowed if the employee or Member is receiving military retired pay for such period awarded for reasons other than—

(1) Service-connected disability incurred in combat with an enemy of the United States;

(2) Service-connected disability caused by an instrumentality of war and incurred in the line of duty during a period of war (within the meaning of chapter 11 of Title 38, United States Code); or

(3) Retirement under chapter 67 of Title 10, United States Code.

(c) When adjudicating annuity claims, OPM will accept determinations made by the agency that authorized military retired pay concerning—

(1) The effective date of a waiver of military retired pay;

(2) Whether an individual's military retired pay was awarded for any of the reasons mentioned under paragraph (b) of this section; and

(3) Whether a period of military service forms the basis for military retired pay.

(d)(1) Except as provided in paragraphs (d)(2) and (d)(3) of this section, the computation of a survivor's annuity includes credit for any military service allowable under paragraph (a) of this section.

(2) If the separated employee (as defined in § 843.102 of this chapter) was awarded military retired pay, died after the date of separation from civilian service, and did not waive military retired pay effective before the date of death, military service upon which the military retired pay was based is not creditable.

(3) If the survivor of a deceased employee who had been awarded military retired pay files, in a form prescribed by OPM, an election not to have a period of military service included in the computation of survivor benefits, that period of military service is not included in the computation of survivor benefits.

§ 842.307 Deposits for military service.

(a) *Eligibility to make a deposit.* (1) An employee or Member subject to FERS may make a deposit for any distinct period of military service by filing an application in a form prescribed by OPM.

(2) An application to make a deposit is filed with the appropriate office in the employing agency, or, for Members and Congressional employees, with the Secretary of the Senate, or the Clerk of the House of Representatives, as appropriate.

(3) An employee's or Member's deposit for military service must be completed before separation from service. If a deceased employee or Member was, at the time of death, eligible to make a deposit, the employee's or Member's survivor may make the deposit in one lump sum to the former employing agency, the Secretary of the Senate or the Clerk of the House of Representatives, before OPM completes adjudication of the survivor annuity application. A person who was eligible to make a deposit for military service but failed to complete the deposit within the time limits provided in this paragraph, may complete the deposit in a lump sum within the time limit set by OPM when it rules that an administrative error has been made.

(b) *Amount of deposit.* (1) The amount of a deposit for military service equals 3 percent of the basic pay for the service under 37 U.S.C. 207, or an estimate of the basic pay (see paragraph (c)(1)(iii) of this section), plus interest, unless interest is not required under paragraph (b)(4) of this section.

(2) Interest is charged at a rate as determined by the Secretary of the Treasury for each calendar year that equals the overall average yield to the Fund during the preceding fiscal year from all obligations purchased by the Secretary during such fiscal year under 5 U.S.C. 8348(c), (d), and (e).

(3) The computation of interest is on the basis of 30 days to the month. Interest is computed for the actual calendar time involved in each case; but whenever applicable, the rule of average applies.

(4) Interest is computed from the mid-point of each full period of service included in the computation. The interest accrues annual on the outstanding portion beginning on the second anniversary of the employee's or Member's beginning date of coverage under FERS, and is compounded annually, until the portion is deposited. Interest is charged to the date of deposit. No interest will be charged if the deposit is completed before the end of the year after interest begins. For example, if an employee becomes subject to FERS on March 1, 1988, interest begins to accrue on March 1, 1990; however, no interest would be included in the deposit due if the deposit is completed by February 28, 1991.

(c) *Processing deposit applications and payments.* (1) The agency, Clerk of the House of Representatives, or Secretary of the Senate will have the employee or Member—

(i) Complete an application to make deposit;

(ii) Provided a copy of his or her DD Form 214 or its equivalent to verify the period(s) of service; and

(iii) Provide copies of all official military pay documents, as identified in instructions issued by OPM, which show the exact basic pay he or she received for full period of service; or, if such evidence is not available, obtain a statement of estimated earnings from the appropriate branch of the military service and submit the statement.

(2) Upon receipt of the application, the DD Form 214, and either the evidence of exact basic pay or the statement of estimated earnings, the agency, Clerk of the House of Representatives, or Secretary of the Senate will establish a deposit account showing—

(i) The total amount due, including interest, if any;

(ii) A payment schedule (unless deposit is made in a lump sum); and

(iii) The date and amount of each payment.

(3) Deposits may be made in a single lump sum or in installments. The agency, Clerk of the House of Representatives, and Secretary of the Senate are not required to accept installment payments in amounts less than $50.

(4) Payments received by the employing agency, the Clerk of the House of Representatives, or the Secretary of the Senate will be remitted to OPM for deposit to the Fund in accordance with payroll office instructions issued by OPM.

(d) *Distinct periods of service.* A deposit is not considered to have been made for any distinct period of service unless the total amount due for the period is paid in full. A "distinct period" for this purpose is the total years, months, and days from the date of entry on active duty (or from January 1, 1957, if later) to the date of final discharge for enlisted military personnel, or to the date of final release from active duty for officers and reservists. A "distinct period" also includes consecutive periods of service where there is no break in service, but does not include any lost time.

§ 842.308 Refunds of deductions and service credit deposits made before becoming subject to FERS.

(a) An employee or Member who, while currently employed, is eligible under 5 U.S.C. 8342(a) for a refund of deductions or deposits (relating to civilian service performed before becoming subject to FERS and totaling less than 5 years, not counting service after 1983 that was covered simultaneously by both CSRS and social security) that were previously made for a period of service performed before becoming subject to FERS is eligible for a refund, upon proper application in a form prescribed by OPM. The amount of this refund is the difference between—

(1) The amount of deductions and deposits to his or her credit for such service, plus any interest computed in accordance with 5 U.S.C. 8331(8): and

(2) The amount of the deposit required for such service under § 842.305.

(b) A former employee or Member who is eligible under 5 U.S.C. 8342(a) for a refund of deductions or deposits covering civilian service of the types described in paragraph (a) of this section is eligible for a refund, upon proper application in a form prescribed by OPM. The individual may irrevocably elect a refund, with resepct to this service, of either—

(1) The amount provided under paragraph (a) of this section; or

(2) The full amount of deductions and deposits to his or her credit for such service, plus any interest computed in accordance with 5 U.S.C. 8331(8). If the full amount of deductions and deposits is elected by the former employee or Member, no future deposit for the service may be made.

(c) An employee or Member, who, before becoming subject to FERS, made a deposit for military service is eligible upon proper application in a form prescribed by OPM, while currently employed, for a refund of the amount deposited, excluding interest, to the extent that this amount exceeds the amount of the deposit required for such service under § 842.307.

(d) A former employee or Member who, before becoming subject to FERS, made a deposit for military service is eligible for a refund, upon proper application in a form prescribed by OPM. The former employee or Member may irrevocably elect to receive either—

(1) The amount provided under paragraph (c) of this section; or

(2) The full amount deposited and remaining to the individual's credit. If the full amount of the deposit is elected, no future deposit for the service may be made.

(e) If the current employing agency holds all necessary records pertaining to the amounts in question under paragraph (a) or (c) of this section, the current employing agency will pay the refund in accordance with OPM instructions. Otherwise, OPM will pay the refund.

[FR Doc. 87-10994 Filed 5-13-87; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 278

[Amdt. No. 272]

Food Stamp Program, the Food Security Act of 1985; Fees for Coupon Redemption

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Security Act of 1985 (Pub. L. 99-198) includes numerous provisions which amend the Food Stamp Program. This rule finalizes the interim rule which implemented section 1523 of Pub. L. 99-198 prohibiting financial institutions from imposing fees for redemption of properly submitted food stamp coupons. The provision was enacted to foreclose the possibility that the practice of some financial institutions of charging fees for certain deposits of food stamp coupons could result in retail food stores withdrawing from and thus adversely affecting the Food Stamp Program.

DATE: This action is effective retroactive to April 11, 1986, with implementation by financial institutions no later than April 21, 1986.

FOR FURTHER INFORMATION CONTACT: Emory Rice, Supervisor, Retailer Participation and Program Litigation Section, Eligibility and Monitoring Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. Phone (703) 756-3427.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

The Department has reviewed this rule under Executive Order 12291 and Secretary's memorandum No. 1512-1. The rule will affect the economy by less than $100 million a year. The rule will not significantly raise costs or prices for consumers, industries, government agencies or geographic regions.

There will not be a significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprise in domestic or export markets. Therefore, the Department has classified the rule as "nonmajor".

Executive Order 12372

The Food Stamp Program is listed in the Catolog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule related notice(s) to 7 CFR Part 3015, Subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372, which requires intergrovernmental consultation with State and local officials.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354). S. Anna Kondratas, Acting Administrator of the Food and Nutrition Service, has certified that this proposal will not have a significant negative impact on a substantial number of small entities.

Paperwork Reduction Act

This final rulemaking does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB) under the Paper Reduction Act of 1980 (44 U.S.C. 3507).

Background

Fees for Coupon Redemption—§ 278.5

The Food Security Act of 1985 (Pub. L. 99-198, section 1523), enacted December 23, 1985, prohibits a financial institution from imposing or collecting a fee or charge for the redemption of food coupons properly presented by a retail grocery.

On April 11, 1986, an interim rule was published at 51 FR 12497 to implement this provision of law. The nondiscretionary of law cannot be affected by public comments. However, since the Department believed that an opportunity for public comment could result in improved and simplified administration of the rule, it was published as an interim rule effective upon publication with financial institutions required to implement its provisions on April 21, 1986. A sixty day comment period was provided.

A total of thirty-eight comment letters were received during the comment period. Two commenters stated that they agreed with the rule as written.

Many of the letters contained more than one comment.

Twenty-seven comments suggested that the rule is unfair to financial institutions. Eight commenters suggested that financial institutions be allowed to charge the same fee for coupon deposits that they charge for cash deposits. Since section 1523 of the Food Security Act specifically prohibits ". . . a fee or other charge . . ." it is the Department's position that such a suggestion cannot be implemented without specific authorizing legislation. Under a variation to this suggestion, a financial institution maintains that it directly exchanges cash for retailers' food stamps. The financial institution then charges the retailer for despositing the cash. The Department believes that the cash that depositors are charged a fee on is directly traceable to food coupons. Without the redemption of coupons there would be no deposit upon which to base a fee. To suggest that redemption by a grocer of coupons is a two stage process, *i.e.*, (1) the conversion of coupons into cash, and (2) the deposit of that cash into an account, is a fiction which ignores the realities of redemption. Financial institutions do not convert coupons presented for deposit by a grocer to cash before the funds are credited to the grocer's account. Rather the value of the coupons are credited directly to grocers' accounts. The practice of charging a fee on deposited food coupons is exactly that which Congress sought to eliminate with the enactment of section 1523 of the Food Security Act. While Congress realized this provision might visit some operational or fiscal hardship on financial institutions, it balanced that hardship against its strong interest in preserving the most widely available retail outlets for coupon recipients. (H.R. Rpt. No. 99–271, 99th Cong., 1st Sess., and S. Rpt. No. 99–145, 99th Cong., 1st Sess.).

Seven commenters noted that coupon cancellation is a nuisance job for financial institutions and could easily be incorporated into the retailers' endorsement function. The law and Congress' statement of intent (S. Rpt. No. 99–145, 99th Cong. 1st Sess. and H.R. Rpt. No. 99–271, 99th Cong. 1st Sess.) make it clear that cancellation of coupons prior to submission to Federal Reserve banks is not the responsibility of the retailers. However, we do wish to note that nothing in the rule is intended to discourage financial institutions and their customers from developing specific, *voluntary* deposit procedures that best meet their mutual needs. For example, financial institutions may arrange, if their customers agree, to have their customers precancel the coupons. Under such an arrangement, the retailer, in lieu of marking or stamping the back of each coupon, may voluntarily cancel the face of each coupon using a rubber stamp. The face of the rubber stamp cannot be larger than 1½ inches by 2 inches and must contain the following: (a) The Food Stamp Program Authorization Number or the name of the store; (b) The word "Paid" in letters approximately ¾ inch in height; and (c) The ABA number of the financial institution.

The April 11, 1986 rule was not intended to imply that financial institutions are required to print and distribute to all their customers information on Federal Reserve bank requirements for coupon redemption as two commenters thought. As in relations with any other customer, finanicial institutions are required to inform coupon depositors of the terms and procedures under which deposits are accepted. The financial institution may itself decide how to do this. However, the financial institution may not refuse to advise the retailer of the procedures which must be followed in order to not be charged for coupon deposits.

This Department will comply with two commenters who suggested that Federal Reserve Bank Districts be encouraged to reissue their coupon deposit requirements if there is evidence of confusion over of the appropriate procedures.

One commenter noted that the April 11 rule does not spell out the penalties for noncompliance by financial institutions. While specific penalties are not spelled out, the Food and Nutrition Service believes that avenues exist for obtaining compliance. Willful noncompliance by a financial institution would compel the Food and Nutrition Service to explore all enforcement options, including action to restrict the right of a financial institution to redeem food stamps for cash through the Federal Reserve.

Four commenters state that low volume retailers are not helped by the rule because of the general requirement of Federal Reserve Bank Districts that like denomination coupons be submitted for redemption in stacks of 100. All Federal Reserve Bank Districts require that like denomination coupons be in stacks of 100 although some reserve the right to consider under specific circumstances the acceptance of an occasional deposit of less than 100 coupons in a stack. The Department cannot, therefore, require local financial institutions to accept a stack of less than 100 like denomination coupons without charge. The law allows charges for redeeming a stack of less than 100 like denomination coupons, however, the law does not require such a charge. In situations where a retailer is suffering hardship, a local financial institution may waive its policy of imposing a charge.

Three commenters noted that the April 11 rule could have the unintended effect of causing financial institutions to stop taking food stamps since such institutions may no longer charge for redeeming property submitted coupons. The Department believes this will not prove to be the case and notes that since the provisions was implemented on April 21, 1986, it is aware of no financial institution which has chosen terminate its participation.

One commenter maintained that the rule should have been made effective upon enactment of Pub. L. 99–198 on December 23, 1985. Since the Food Security Act of 1985 states that section 1523 is to be implemented through regulation, we believe that Congress intended implementing regulations to be effective upon publication.

The Department hopes that the clarifications provided concerning this final rule will be helpful. For the reasons stated above, no changes are made in the regulatory language embodied in this final rule.

Implementation

For the reasons stated in the preamble to the interim rule published on April 11, 1986, (51 FR 12497) in the section entitled Justification for Publishing as an Interim Rule Effective Upon Publication, this action became effective when the interim rule was published with financial institutions to implement no later than April 21, 1986.

List of Subjects in 7 CFR Part 278

Administrative practice and procedure, Banks, Banking, Claims, Food stamps, Groceries-retail, General line-wholesaler, Penalties.

Accordingly, 7 CFR Part 278 is amended as follows:

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND FINANCIAL INSTITUTIONS

1. The authority citation for Part 278 continues to read as follows:

Authority: (7 U.S.C. 2011–2029).

§ 278.5 [Amended]

2. In § 278.5:

a. The amendment to add a new sentence after the first sentence in paragraph (a)(1) is adopted as final without change.

b. The amendment to add a new sentance after the third sentance in paragraph (a)(3) is adopted as final without change.

§ 278.9 [Amended]

3. In § 278.9, the amendment to add a new paragraph (d) is adopted as final without changes.

Dated: May 7, 1987.

S. Anna Kondratas,

Acting Administrator.

[FR Doc. 87-10987 Filed 5-13-87; 8:45 am]

BILLING CODE 3410-30-M

Commodity Credit Corporation

7 CFR Part 1477

Disaster Payment Program for 1986 Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to adopt, as a final rule, an interim rule which was published in the **Federal Register** on February 10, 1987, (52 FR 4129). The interim rule amended the regulations at 7 CFR Part 1477 with respect to the definition of the eligible acreage for nonprogram crops for purposes of making disaster payments due to low yields as the result of drought, excessive heat, flood, hail or excessive moisture in certain eligible counties. Section 1477.3 was amended to provide that such acreage shall be the acreage planted to the crop for harvest in 1986 without regard to the acreage planted to harvest in prior years. The interim rule is hereby adopted as a final rule without change.

EFFECTIVE DATES: This final rule shall become effective on May 13, 1987.

FOR FURTHER INFORMATION CONTACT: Jerry W. Newcomb, Director, Emergency Operations and Livestock Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013 Telephone: (202) 447-5621.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under U.S. Department of Agriculture (USDA) procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified as "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of the law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

The title and number of the federal assistance program to which this final rule applies are: Title—Commodity Loans and Purchases; Number 10.051, as found in the Catalog of Federal Domestic Assistance.

An Environmental Evaluation with respect to the Disaster Payment Program is being completed. It has been determined that this action is not expected to have a significant impact on the quality of the human environment. In addition, it has been determined that this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Interim Rule

An interim rule was published in the **Federal Register** on November 19, 1986 (51 FR 41757) implementing the 1986 disaster payment program authorized by section 633(B) of the Agriculture, Rural Development and Related Agencies Appropriations Act, 1987, as included in Public Laws 99-500 and 99-951. The interim rule provided for a disaster payment program for eligible producers for losses of 1986 crop production due to drought, excessive heat, flood, hail or excessive moisture in 1986. The interim rule also established the criteria for eligibility of individual producers to receive a disaster payment. A final rule, which was published on December 24, 1986 (51 FR 46593), amended the interim rule with respect to provisions for determining the payment rate for sugar beets and sugar cane and the provisions for determining payments for producers of nonprogram crops.

Based upon a review of existing conditions in eligible counties, it was determined that producers of nonprogram crops who had actually incurred the costs and assumed the risk of planting such a crop in 1986 and are otherwise eligible for a 1986 disaster payment under this program should be eligible for disaster payments with respect to losses incurred on the acreage planted to the crop for harvest in 1986 without regard to prior year planting history. Accordingly, an interim rule amending the provisions of 7 CFR 1477.3(e) with respect to the eligible disaster acreage for nonprogram crops involving low yield losses in order to provide that such acreage shall be the 1986 acreage planted to harvest to such a crop, as determined by the county committee in accordance with instructions issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service (ASCS) was published in the **Federal Register** on February 10, 1987, (52 FR 4129). The interim rule provided for a 10-day period. The Department of Agriculture received no comments with respect to the interim rule. Accordingly, it has been determined that the interim rule should be adopted as a final rule without change.

List of Subjects in 7 CFR Part 1477

Crop insurance, Indemnity payments.

Final Rule

Accordingly, the interim rule published at 52 FR 4129, which amended 7 CFR Part 1477 is hereby adopted as a final rule without change.

Authority: Section 633(B) of the Agriculture, Rural Development and Related Agencies Appropriations Act, 1987, as included in Pub. L. 99-500 and Pub. L. 99-591.

Signed at Washington, DC, on May 11, 1987.

Milton J. Hertz,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 87-11062 Filed 5-13-87; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 87-023]

Importation of Cattle From Canada; Calfhood Vaccination Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule .

SUMMARY: We are amending the animal import regulations to reflect new Canadian calfhood vaccination requirements. Recently, the Canadian government changed its regulations to require a reduced dosage *Brucella* vaccine for calfhood vaccination, to be administered when the cattle (whether dairy or beef) are from 4 to 8 months of age. Our action is necessary to allow certain female cattle that have been given the reduced dosage vaccine to be imported from Canada without being tested for brucellosis.

EFFECTIVE DATE: June 15, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. Harvey A. Kryder, Jr., Import-Export and Emergency Planning Staff, VS, APHIS, USDA, Room 806, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; (301) 436-8695.

SUPPLEMENTARY INFORMATION:

Background

We published in the **Federal Register** on December 22, 1986 (51 FR 45778-45779), a proposal to amend the regulations in 9 CFR Part 92 (referred to below as the regulations). We proposed that § 92.20(c)(5) be revised to reflect new Canadian calfhood vaccination requirements. Canada now requires use of a "reduced dosage" *Brucella* vaccine to be administered to cattle (whether dairy or beef) between the ages of 4 and 8 months. Before July 1, 1985, Canada required use of a "standard dosage" *Brucells abortus* Strain 19 vaccine. Test data indicate that cattle given the reduced dosage *Brucella* vaccine develop approximately the same level of resistance to brucellosis as cattle given the standard dosage. Therefore, we believe that the reduced dosage administered to female cattle between the ages of 4 and 8 months, will provide adequate immunization against brucellosis. We also proposed that § 92.20(d) be revised to require that, if cattle are to be imported in accordance with § 92.20(c)(5), the date of vaccination, dosage of vaccine used, and age of each animal on the date of vaccination be stated on the certificate accompanying the animal to the U.S. port of entry.

Our proposal of December 22, 1986, invited the submission of written comments on or before February 20, 1987. We received one comment, which supported the proposed rule. Based on the rationale set forth in the proposal, the proposed rule is adopted as a final rule.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs of prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a signifiant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The effect of this action is to retain a provision in our regulations that allows certain female cattle under 18 months of age to be imported into the United States from Canada without being tested for brucellosis. We have determined that this rule will not have any effect on the number of cattle imported into the United States from Canada.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, 9 CFR Part 92 is amended as follows:

1. The authority citation for Part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 92.20, paragraphs (c)(5) and (d) are revised and the OMB control number is added at the end of the section to read as follows:

§ 92.20 Cattle from Canada.

* * * * *

(c) * * *

(5) Female cattle under 18 months of age may be imported without being tested for brucellosis if they meet all of the following conditions: (i) They were born and remained prior to importation in a herd that meets the requirements of paragraph (c)(1), (c)(2), or (c)(3)(i) of this section; and (ii) They are accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian government stating that they were vaccinated against brucellosis, according to Canadian regulations, as follows: (A) After June 30, 1985, while from 4–8 months of age, with a reduced dosage *Brucella* vaccine; or (B) Before January 1, 1986, while from 2–6 months of age if dairy cattle or from 2–10 months of age if beef cattle, with a standard dosage *Brucella* vaccine.

* * * * *

(d) The certificates prescribed in paragraphs (b) and (c) of this section shall state: (1) The names of the consignor and the consignee; (2) a description of the cattle to be imported, including the breed, ages, markings, and tattoo and eartag numbers of each animal; (3) the dates and places of each test required by paragraphs (b) and (c) of this section; and (4) the date of vaccination, dosage of vaccine used, and the age of each animal on the date of vaccination for each vaccination conducted in accordance with paragraph (c)(5) of this section.

(Approved by the Office of Management and Budget under control number 0579-0040)

Done in Washington, DC, on this 11th day of May 1987.

J.K. Atwell,

Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc. 87-11061 Filed 5-13-87; 8:45 am]

BILLING CODE 3410-34-M

FARM CREDIT ADMINISTRATION

12 CFR Part 605

Information Security

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: As required in Executive Order 12356 and Information Security Oversight Office (ISOO) Directive No. 1, the Farm Credit Administration (FCA) is publishing a revision to Part 605 regarding the handling of classified documents. This regulation is being revised to reflect FCA's current organization, changes which have occurred since 1984, the assignment of new responsibilities pursuant to agency policy and procedures, and the increase of granted access positions.

EFFECTIVE DATE: May 14, 1987.

FOR FURTHER INFORMATION CONTACT: Jerry L. Barringer, Information Security Officer, Office of Administration, Farm Credit Administration, McLean, Virginia 22102-5090, (703) 883-4007.

SUPPLEMENTARY INFORMATION: Part 605 defines the Information Security Program of the FCA for classified documents and outlines the basic requirements for obtaining access to classified documents. This program is under the administrative direction of the Information Security Officer, Records and Projects Division, and applies to those individuals who have been granted access to classified documents of the U.S. Government. The number of FCA officials authorized to have in their possession, to give consideration to, and to transmit classified information in the discharge of their respective official duties has been increased from the prior 4-6 employee limitation to over 30 employees. In preparation for the annual review by the ISOO of the FCA Information Security Program, this regulation has been revised to reflect FCA's current organization, changes which have occurred since 1984, the assignment of new reponsibilities pursuant to agency policy and procedure, and the increase of granted access positions.

List of Subjects in 12 CFR Part 605

Classified information.

Chapter VI of Title 12, Part 605 of the Code of Federal Regulations is amended to read as follows:

PART 605—INFORMATION

1. The authority citation for Part 605 is revised to read as follows:

Authority: 12 U.S.C. 2243, 2246, and 2252.

2. Section 605.502 is amended by revising paragraphs (d), (f), and (j) to read as follows:

* * * * *

§ 605.502 Program and procedures.

* * * * *

(d) *Handling of classified documents.* All documents bearing the terms "Top Secret," "Secret," and "Confidential" shall be delivered to the Information Security Officer or his/her designee immediately upon receipt. All potential recipients of such documents shall be advised of the names of such designees. In the event that the Information Security Officer or his/her designee is not available to receive such documents, they shall be sent to the FCA mailroom and stored in the combination safe located in the Agency Services Branch and secured unopened until the Information Security Officer is available. Under no cirumstances shall classified materials that cannot be delivered be stored other than in the designated safe. All materials not immediately deliverable or able to be secured in the designated safe shall be returned to the sender, under appropriate cover, for redelivery to the FCA at the next earliest opportunity.

* * * * *

(f) *Storage.* In accordance with 32 CFR 2001.43, all classified documents shall be stored in combination safes located at the primary headquarters and/or Field Division, Office of Examination, Farm Credit Administration. The combinations shall be changed as required by directives issued by ISOO. The combinations shall be known only to the Information Security Officer and his/her designees who have appropriate security clearances.

* * * * *

(j) *Freedom of Information request.* All inquiries regarding requests for classified information under the Freedom of Information Act (5 U.S.C. 552), including those from the news media, shall be referred to the FCA FOI Officer, Office of Congressional and Public Affairs, Farm Credit Administration, and shall be handled in accordance with provisions of that statute and applicable regulations.

William A. Sanders, Jr.,

Secretary, Farm Credit Administration Board.

[FR Doc. 87-10958 Filed 5-13-87; 8:45 am]

BILLING CODE 6705-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB 69]

Staff Accounting Bulletin No. 69; Registrants Disclosures Using Article 9 of Regulation S-X and Industry Guide 3, and Casino-Hotel Activities Income Statement Presentation

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: The interpretations in this staff accounting bulletin express certain views of the staff regarding: (a) The use of Article 9 of Regulation S-X and Industry Guide 3 as guidance for certain disclosures of registrants which are not bank holding companies, but which are engaged in similar lending and deposit activities; and (b) income statement presentation for casino-hotel activities.

DATE: May 8, 1987.

FOR FURTHER INFORMATION CONTACT: John M. Riley or John W. Albert, Office of the Chief Accountant (202-272-2130), or Howard P. Hodges, Jr. Division of Corporation Finance (202-272-2553), Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The statements in staff accounting bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal Securities laws.

Jonathan G. Katz,

Secretary.

May 8, 1987.

PART 211—[AMENDED]

Accordingly, Part 211 of Title 17 of the Code of Federal Regulations is amended by adding Staff Accounting Bulletin No. 69 to the table found in Subpart B.

Staff Accounting Bulletin No. 69

The staff hereby adds Sections K and L to Topic 11 of the staff accounting bulletin series. Section K discusses the staff's views on the use of Article 9 of regulation S–X ("Bank Holding Companies") and Industry Guide 3 ("Statistical disclosure by bank holding companies") as guidance for certain disclosures of registrants which are not bank holding companies, but which are engaged in similar lending and deposit activities. Section L discusses appropriate income statement presentation by casinos with hotel and restaurant operations.

Topic 11: Miscellaneous Disclosure

* * * * *

K. Applications of Article 9 and Guide 3

Facts: Article 9 of Regulations S–X specifies the form and content of and requirements for financial statements for bank holding companies filing with the Commission. Similarly, bank holding companies disclose supplemental statistical disclosures in filings, pursuant to Industry Guide 3. No specific guidance as to the form and content of financial statements or supplemental disclosures has been promulgated for registrants which are not bank holding companies but which are engaged in similar lending and deposit activities.[1]

Question: Should non-bank holding company registrants with material amounts of lending and deposit activities file financial statements and make disclosures called for by Article 9 of Regulation S–X and Industry Guide 3?

Interpretive Response: In the staff's view, Article 9 and Guide 3, while applying literally only to bank holding companies, provide useful guidance to certain other registrants, including savings and loan holding companies, on certain disclosures relevant to an understanding of the registrant's operations. Thus, to the extent particular guidance is relevant and material to the operations of an entity, the staff believes the specific information, or comparable data, should be provided.

For example, in accordance with Guide 3, bank holding companies disclose information about yields and costs of various assets and liabilities. Further, bank holding companies provide certain information about maturities and repricing characteristics of various assets and liabilities. Such companies also disclose risk elements, such as nonaccrual and past due items in the lending portfolio. The staff believes that this information and other relevant data would be material to a description of business of other registrants with material lending and deposit activities and accordingly, the specified information and/or comparable data (such as scheduled item disclosure for risk elements) should be provided.

In contrast, other requirements of Article 9 and Guide 3 may not be material or relevant to an understanding of the financial statements of some financial institutions. For example, bank holding companies present average balance sheet information, because period-end statements might not be representative of bank activity throughout the year. Some financial institutions other than bank holding companies may determine that average balance sheet disclosure does not provide significant additional information. Others may determine that assets and liabilities are subject to sufficient volatility that average balance information should be presented.

Pursuant to Article 9, the income statements of bank holding companies use a "net interest income" presentation. Similarly, bank holding companies present the aggregate market value, at the balance sheet date, of investment securities, on the face of the balance sheet. The staff believes that such disclosures and other relevant information should also be provided by other registrants with material lending and deposit activities.

L. Income Statement Presentation of Casino-Hotels

Facts: Registrants having casino-hotel operations present separately within the income statement amounts of revenue attributable to casino, hotel and restaurant operations, respectively.

Question: What is the appropriate income statement presentation of expenses attributable to casino-hotel activities?

Interpretive Response: The staff believes that the expenses attributable to each of the separate revenue producing activities of casino, hotel and restaurant operations should be separately presented on the face of the income statement. Such a presentation is consistent with the general reporting format for income statement presentation under Regulation S–X (Rules 5–03.1 and 5–03.2) which requires presentation of amounts of revenues and related costs and expenses applicable to major revenue providing activities. This detailed presentation affords an analysis of the relative contribution to operating profits of each of the revenue producing activities of a typical casino-hotel operation.

[FR Doc. 87–11053 Filed 5–13–87; 8:45 am]

BILLING CODE 8010–01–M

[1] The Commission staff has been considering the need for more specific guidance in the area but believes that the Financial Accounting Standards Board project on financial instruments, which as an initial step is expected to result in expanded disclosures across industry lines, may make Commission action in this area unnecessary. In the interim, this bulletin provides the staff's views with respect to filings by similar entities such as saving and loan holding companies.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 11

[Docket No. RM86–2–000; Order No. 469]

Revision of the Billing Procedures for Annual Charges for Administering Part I of the Federal Power Act and to the Methodology for Assessing Federal Land Use Charges

Issued May 8, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending Part 11 of its regulations under the Federal Power Act (Act) to revise the billing procedures for annual charges for administering Part I of the Act, the billing procedures for charges for Federal dam and land use, and the methodology for assessing Federal land use charges.

By changing its billing procedures the Commission will bill licensees on a fiscal-year basis for annual charges. The date for filing the information used in assessing these charges will change from February 1 of each year to November 1. In addition, the Commission will bill for Federal land use charges in advance, and the charges will be based on the fee schedule for transmission line rights-of-way, published by the United States Forest Service.

EFFECTIVE DATE: July 28, 1987.

FOR FURTHER INFORMATION CONTACT: James R. Keegan, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357–8542.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending Part 11 of its regulations under the

Federal Power Act (Act) [1] to revise the billing procedures for annual charges for administering Part I of the Act, the billing procedures for charges for Federal dam and land use, and the methodology for assessing Federal land use charges.

By changing its billing procedures the Commission will bill licensees on a fiscal-year basis for annual administrative charges, for charges for the use of government dams, and for charges for the use of Federal lands. In addition, the date for filing the information used in assessing these charges will change from February 1 of each year to November 1.

The Commission will also begin using the published index of United States Forest Service values of transmission line rights-of-way, as the basis for assessing Federal land use charges, and abandon its traditional method of multiplying a national average per-acre land value by a rate of return. The Commission will also bill Federal land use charges in advance. The change in the land use charges and the first year of advanced billing for land use charges will be phased in in order to minimize hardship on the licensees. The rule also makes other minor corrections to the billing procedures.

II. Background

A. Billing Procedures

The Commission is required by section 10(e) of the Act to collect annual charges for the cost of administering Part I of the Act, and for recompensing the United States for the use of Federal property.[2] Part 11 of the Commission's regulations provides the manner in which licensees are charged for such costs.[3] Prior to the adoption of the current regulations, administrative charges were not based on the actual costs of the government, but were set fees that were billed for a calendar year. Under the Current regulations, reimbursable costs are determined on a fiscal year basis, and licensees are required to submit the generation data used in this determination on a calendar-year basis. Although costs are determined on a fiscal year basis, the billings have continued to state that they cover the calendar year. Annual charges for land use and for Federal dam use are also *assessed* on a calendar-year basis, and the data used in determining all of these charges are required to be filed on the first of February of each year. The land use charges that are *assessed* each year represent compensation for use of the land for the preceeding year.

B. Federal Land Charges

Beginning in 1938, annual charges for government land used by hydropower licensees were based on project-by-project appraisals. This practice often proved uneconomical because of the excessive cost of appraisal in comparison to the value of the land involved. In 1942, the Federal Power Commission developed a national average value of $50 per acre.[4] Because the Commission recognized that this Federal asset, public land, was being used rather than purchased, the Commission atempted to approximate the rental value by selecting an interest rate as a rate of return which could then be multiplied by the value of the land to determine a land use charge. The Commission selected 4 percent as the rate, thereby deriving an annual land use charge of $2.00 per acre. In 1962, when the Commission increased the national average land value to $60 per acre but retained the 4 percent interest rate, the annual land use charge was increased to $2.40 per acre.

When the current regulations were adopted in 1976 in Order No. 560, the national average land value was increased to $150 per acre.[5] In an effort to ensure that the rate of return used would remain current, the Commission adopted the fluctuating rate used by the United States Water Resources Council (WRC) which was based primarily upon the average yield of long-term (15 years or more to maturity) United States interest-bearing securities. Although this rate can be adjusted yearly to reflect changes in yield and the associated changing Federal borrowing costs, that rate is barred by statute form being changed more than one-quarter of a percent in any year. In selecting this index, the Commission concluded that the statutory restraint would ensure that the annual land use charge would remain reasonable year to year.

C. The Proposed Changes

On December 30, 1985, the Commission issued a Notice of Proposed Rulemaking (NOPR) in which it proposed to revise its method of assessing Federal land use charges, and to revise its billing procedures of those charges.[6] By these revisions, the Commission intended to prevent the undercollection of interest by the United States Treasury,[7] by eliminating a delay in data collection. The Commission also intended to better approximate the fair market value of a licensee's use of Federal land.

On December 23, 1986, the Commission issued a notice requesting supplemental comments on issues that were not specifically raised in the original NOPR.[8] In the supplemental notice, the Commission sought comment on the billing for lands charges in advance, and proposed to bill for government dam use and Federal land use on a fiscal-year basis in order to provide consistency in the Commission's billing procedures. The supplemental notice also sought comment on the use of the land valuation method of the U.S. Forest Service and the Bureau of Land Management as a method of assessing annual charges for the use of government land.

The Commission received over thirty public comments in response to both the NOPR and the supplemental notice. The Commenters comprise Federal agencies, public utilities, associations, and hydroelectric developers.[9]

III. Discussion

A. Billing Procedure for Administrative Charges

Licensees who are not states or municipalities, with projects of more than 1.5 megawatts of installed capacity (2000 horsepower), are assessed annual charges for the costs of administration of Part I of the Act on the basis of the amount of power generated and authorized, installed capacity.[10] Generally, state or municipal licensees of projects with capacity greater than 1.5 megawatts are assessed on the basis of authorized installed capacity only. They are not assessed a charge to the extent that they can demonstrate that: (1) The project was primarily designed for

[1] 16 U.S.C. 791a–825r (1982).

[2] 16 U.S.C. 803(e) (1982).

[3] 18 CFR Part 11 (1986).

[4] Order No. 560, 56 F.P.C. 3860 (1976).

[5] *Id.* at 3864.

[6] Revisions of the Billing Procedures for Annual Charges for Administering Part I of the Federal Power Act and to the Methodology for Assessing Federal Land Use Charges, 51 FR 211 (Jan. 3, 1986).

[7] Undercollection results from billing for charges on a calendar-year basis while computing administrative costs on a fiscal-year basis, and from not billing for lands charges in advance. The undercollection was identified by the Inspector General of the Department of Energy. *See* Assessment of Charges Under the Hydroelectric Program, DOE/IG Report No. 0219 (Sept. 3, 1985); and Accounts Receivable, Billings and Collection of FERC, DOE/IG Report No. 0224 (Feb. 3 1986).

[8] Notice requesting supplemental comments, 52 FR 82 (Jan. 2, 1987).

[9] A list of commenters is provided in the Appendix A.

[10] 18 CFR 11.01(a). Annual charges are assessed against each licensee on the basis of the proportion of its installed capacity and its annual generation to the total of the installed capacity and the annual generation of all projects.

navigational purposes; (2) the power produced by the project is used for state or municipal purposes; or (3) the power is sold to the public without profit.[11]

The reimbursable Commission costs are determined on a fiscal-year basis. However, licensees are currently required to submit their generation data [12] on a calendar-year basis.[13]

In recent reports, the Inspector General of the Department of Energy recommended that the Commission require its licensees to compute their generation data on the same fiscal-year basis that the Commission uses to calculate its administrative costs. The NOPR proposed to implement the Inspector General's recommendation by requiring that generation data be based on the fiscal year and be submitted shortly after the close of the fiscal year. This synchronization would provide the government with annual fees three months earlier than under the present system. The Inspector General found that since the Commission's assessments for administrative costs in 1983 were $23.4 million, the government lost approximately $200,000 a month in interest for each month until the Commission sent licensees bills for their annual charges. By requiring generation data to be filed by November 1 of each year, instead of February 1 of the next year, the government would be able to receive compensation for its administrative costs more expeditiously, thereby obtaining more precisely the benefits Congress intended.

The Commission adopts the proposed rule to require that the data used in determining charges for costs of administration [14] and for the use of government dams [15] to be submitted on a fiscal-year basis, with filings of such data due November 1 of each year. The Commission will then bill for all annual charges on a fiscal-year basis. In the first year of application of this rule, this data must be submitted for the first nine months of 1987 (January 1 through September 30). In each subsequent year, the data will cover the period from October 1 through September 30. The Commission will then bill for these charges on a fiscal year basis, with bills going out early the next year for all but land use charges, which will be billed as discussed below.

Most commenters do not anticipate that any significant problems would result from the billing changes proposed in this rulemaking, and in general find the proposals to be reasonable. In particular commenters (Ala.P., Id.P., Minn.) note that, if the Commission changes to fiscal-year billing for administrative charges, changing to fiscal year billing for government dam use charges and Federal land use charges as well will provide for needed consistency and will reduce the administrative burdens of the billings.

Some commenters oppose changing to a fiscal-year billing system for several reasons. Several commenters (EEI, Ala.P., Ga.P.) fear that the rule change would result in double billing for three months in its first year of application. This is not the case. By changing to fiscal year billing, the Commission is not double billing licensees. The Commission has always billed licensees for the Commission's fiscal year's costs.[16] However, it allocated the costs to each licensee on a calendar year basis. Therefore, there is no double billing, but only a change in the date on which bills will be assessed.

The Commission notes that since it used generation data for the last three months of the previous calendar year in order to calculate the annual charges for the last fiscal year, it would be inappropriate to do so in computing the annual charges for this fiscal year. Otherwise the Commission would be considering the same generation data twice for the purpose of allocating the annual charge.

The Commission emphasizes that, since the calendar year data was used solely for allocation purposes, licensees will not be overbilled as a result of the change to a fiscal year billing cycle, and over the course of a fifty-year license, will pay for only fifty years of annual charges.

One commenter (Ala.P.) suggests that, in order to avoid confusion during the transition, the reporting of data be for a nine month period. This rule adopts this suggestion as it will make the transition year data reporting coincide with transition year billing, and will prevent double reporting of data for the three month overlap.

One commenter (Snoho) questions the Inspector General's determination that a correction of the Commission's billing procedures are necessary to correct an undercollection of interest. This commenter claims that by changing to a fiscal-year billing cycle the Commission reaps only a one time benefit of an earlier payment, as interest is not "lost" until a bill is sent out. Therefore, claims the commenter, there is no undercollection and the benefits of one early payment do not justify the bookkeeping and cash flow problems that the commenter alleges the rule will create. There is no reason to believe that fiscal-year billing procedures will create the problems the commenter claims it will.[17] Moreover, there is not only a one time benefit to the Commission from earlier collection of charges. Annual charges are designed to reimburse the government for expenditures it has made during the fiscal year. The Commission is without the use of those funds each year until it is reimbursed by the licensee. Therefore, the Commission saves interest each year by billing for annual charges as soon after the expenditures are made as possible. By converting to a fiscal-year billing system the Commission can provide for uniformity, efficiency and cost effectiveness that outweighs the bookkeeping burdens, if any, to the licensees.

Other commenters (WUG, EEI, PGE) argue that the Commission should not change government dam use charges to a fiscal-year basis if the change would conflict with existing contracts between licensees and other government agencies for the use of such dams. No commenter alleges that any such conflict actually exists, and there is no other evidence of any such conflict.

Several commenters (PGE, WUG, EEI) favor billing on a calendar-year basis because the land value index of the U.S. Forest Service that this order is adopting as a basis for Federal land use charges is prepared on a calendar-year basis. The fact that the Forest Service index will be prepared on a calendar-year basis is not a hinderance to Commission billing on a fiscal-year basis. The information needed to prepare bills for land use charges (i.e. the Forest Service index and inflation adjustment factors) will be available in time to bill on a fiscal year basis. Only if the Forest Service updates their assessments in some future year, and the assessments are not prepared in time for the Commission to use them in the current year, would the Commission have to adjust the bill retroactively in the next year's bills. This reassessment is not

[11] 16 U.S.C. 803(e) (1982). *See also* 18 CFR 11.06 (1986).

[12] Generation data are submitted for the purpose of calculating an annual charge for administrative costs for a licensee. The data consist of the gross amount of power generated by a licensee's project during the year and the amount of power used for pumped storage pumping.

[13] 18 CFR 11.01(a)(4), (b)(4) (1986).

[14] 18 CFR 11.01(a)(4), (b)(4) (1986).

[15] 18 CFR 11.03(c), 11.04(b) (1986).

[16] The Commission's records indicate that annual charges bills have historically covered the fiscal year. Annual statements note that the bill is intended to recover fiscal year costs.

[17] Many utilities keep monthly totals of generation data, and can therefore add them just as easily for a fiscal year as for a calendar year.

expected to occur often enough to create an undue administrative burden. Finally, one commenter (Seattle) urges staying on a calendar year basis because other energy data bases (*e.g.*, those of utilities and trade organizations) are compiled on a calendar-year basis. Although it may be true that, by collecting data on a fiscal-year basis while other energy data sources are compiled on a calendar-year basis, the Commission will make analysis of national energy data slightly more complex, any difficulties caused by the Commission's procedures should be insignificant when compared with the economic and administrative efficiency gained by a uniform system of accounting and billing. The Commission has considered the difficulties the commenters allege will result from fiscal-year billing, and find that the benefits of a uniform fiscal year billing system outweighs any such burdens. The Commission calculates its costs on a fiscal-year basis, and the administrative burdens of changing to a calendar-year basis while all other aspects of government accounting are done on a fiscal-year basis is too great to justify such a change. Therefore, the Commission will bill for all annual charges on a fiscal-year basis.

B. Federal Lands Charges

1. Overview

In the notices published in this rulemaking, the Commission proposed changing the methodology used in computing charges for the use of Federal lands to correct an under collection of charges, in response to recommendations of the Inspector General. The Inspector General recently concluded that neither the land value nor the interest rate employed by the Commission's current regulations are up to date. According to the Inspector General, the Commission has been undercharging licensees by approximately $15.2 million each year for the use of about 168,000 acres of Federal land. The Inspector General recommended revising the Commission's regulations to base these land use charges on the current fair market value of the land being used and the current long-term government borrowing rate. The Inspector General also recommended replacing the national average land value with state-by-state averages.[18]

The Commission originally proposed in the NOPR to remedy this undercollection of charges by revising the existing methodology to reflect a more current value of lands, and a more precise rate of return. The NOPR proposed to alter the Commission's traditional method of land valuation by abandoning its outdated national average value, and in its place substituting the regional farm values index as prepared by the U.S. Department of Agriculture. The NOPR also requested comment on several other methods of computing land use charges such as individual appraisals, or fees based on the licensed project's gross income or on its power generation. Finally, the Commission requested comment on whether it should continue to assess lands used for transmission line rights-of-way at one half the rate of other Federal lands. In the supplemental request for comments the Commission proposed to base the land use charges on the U.S. Forest Service's recently published index of values of linear rights-of-way.

For the reasons discussed below, the Commission is adopting the Forest Service's linear rights-of-way index as the most accurate representation of the fair market value of transmission line rights-of-way, and will continue to charge twice that value for other lands. The amended regulations also change the minimum lands charge for projects with installed capacity of 500 kW or less from $10 to $25 a year.

2. The Existing Methodology

Several commenters recommend retaining the existing methodology, claiming that it is a reasonable method of calculating land values (EEI, Idaho, Seattle). These commenters claim that the old value was intentionally set low to take into account the various benefits licensed projects provide the public (*e.g.*, recreational facilities), and because the land used for hydro projects is usually of little other value (Seattle). Commenters (EEI, Idaho) also note that in formulating the land use charges regulations now in effect the Commission stated that a national average value provided administrative economies that outweighed "speculative improvement in accuracy" that regional land values would provide.[19] The commenters state that no reasons have been offered for a departure from the national valuation method.

The Commission concludes that ample evidence exists that a departure from the existing method of valuation is warranted. The Inspector General's report of September 3, 1985, claimed that the present method results in an undercollection of over $15 million a year because it uses outdated land values. Also, the wide variation of land values across the country makes the use of the zone index preferable to a national average. Furthermore, when the Commission decided against the use of a regional index when the present rules were enacted in 1976, it considered the administrative burden of having to determine the values of Forest Service lands on its own.[20] An index now exists which relieves the Commission of this administrative duty. The Commission rejects the commenters' claim that land charges should intentionally be set low. The Federal Power Act states that "the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the Commission for the purpose of * * * recompensing it for the use, occupancy, and enjoyment of its lands * * * ."[21] The purpose of this rule is to establish a fair market rate for the use of government land, as this is the must reasonable method of recompensing the government for the use of its lands. The public benefits provided by licensed projects are considered in the licensing decision and these benefits are the *quid pro quo* for the ability to operate the project in a manner consistent with needs of society.[22] Therefore, the existing method is no longer a reasonable method of assessing land use charges and is changed by this order.

3. Alternative Methodologies

a. *The Forest Service-Bureau of Land Management Index.* In the NOPR, the Commission requested comments on a methodology of land value assessment being prepared by the United States Forest Service (USFS) and the Bureau of the Land Management of the United States Department of the Interior (BLM). Most commenters note that, as the USFS methodology was still incomplete, it would be unreasonable to comment on so speculative a methodology. On December 5, 1986, the Forest Service issued a notice of adoption of the rental fee methodology,[23] and the Commission's supplemental notice requested comments on that methodology.

[18] Assessment of Charges Under the Hydroelectric Program, DOE/IG Report No. 0219 (Sept. 3, 1986); *See also* More Effort Needed to Recover Costs and Increase Hydropower Charges, U.S. General Accounting Office Report No. RCED-87-12 (Nov. 1986).

[19] Order No. 560, 56 F.P.C. 3860 (1976).

[20] *Id.* at 3864 n. 10.

[21] 16 U.S.C. 803(e) (1982).

[22] Order No. 560, 56 F.P.C. 3860 (1976).

[23] Department of Agriculture, Forest Service, Linear Rights of Way Fees, 51 FR 44014 (Dec. 5, 1986).

In brief, the USFS methodology is based upon a survey of market values for the various types of land that it has allowed to be occupied by linear rights-of-way. The schedule is divided into regional zones and provides per-acre rental fees by state and county. These fees are arrived at by multiplying the raw value of the land in each zone by the rate of return discussed below. The rates were adjusted downward to reflect the value difference between rights-of-way authorization granted by private landowners and those issued by the government. The result is an annual fee per-acre per-year for lands used for electric transmission lines that ranges from $2.24 for land in Nevada, to $44.87 a year for land in some counties in Florida.[24]

Most commenters (e.g. EEI, Minn., PSCC) find that the use of the USFS index would be more representative of the fair market value of the type of land most often used for hydroelectric projects than any of the other proposed methodologies. They find this methodology to be the simplest to administer, and one that produces a reasonable land charge. Some commenters (PGE, Birch, PE) seek assurance that they will not be assessed charges twice for use of the same land or for the same service. It is not the Commission's intent to assess charges twice for any costs or charges, and will ensure that such double billing does not occur.

Other commenters (WUG, Idaho) state that, although easy to use, the index needs to be adjusted downward to account for the relative encumbrances that licensees have for the use of the Federal land. Others (PGE, Idaho) claim an adjustment is needed to avoid what some licensees claim will be a drastic increase in fees in contravention of the statement in the Act that, in fixing such charges, the Commission must seek to avoid increasing the price to the consumers of power.[25]

The difference in level of encumbrance between Federal and private land was taken into account by the Forest Service, and results in the 70 percent of value differential adjustment for public land. The Commission also finds no merit to the claim that charging fair market value for Federal lands is prohibited by the Act.[26] All increases in charges will result in some impact on consumers.[27] The statutory provision bars the Commission from assessing unreasonable charges that would be passed along to consumers. Reasonable annual charges are those that are proportionate to the value of the benefit conferred.[28] Therefore, a fair market value approach is consistent with the dictates of the Act. Furthermore, as land values have not been adjusted in over ten years, an adjustment upwards is warranted and overdue.

The Forest Service comments that its methodology was intended for transmission line rights-of-way, and its market value figures reflect strips of lands used for limited purposes. The Service states that reservoirs, streambeds, and other typical hydropower sites should have a higher value. Other commenters, however, argue that hydropower project land is at times less valuable and that the use of the USFS index will result in charges that are too high. The Commission realizes that the USFS methodology is not precisely fitted to hydroelectric projects, but the zone values established by the Forest Service for linear rights-of-way are the best approximation available of the value of lands used for transmission line rights-of-way. Moreover, the zone rate method allows for differentiation by areas of the county and is thus fairer than a national average. For these reasons, the Commission will use the USFS index as its method of assessing charges for Federal land use for transmission line rights-of-way.

The NOPR proposed to eliminate the fifty percent discount for transmission line rights-of-way. Historically, the Commission has determined that fees for right-of-way usage of Federal lands would be less than those for other project uses, because land so used remained available for multiple uses. Thus, the Commission ruled that annual charges for the use of government lands for transmission line rights-of-way will be one-half the charge for the use of other government lands.[29] However, the NOPR noted that transmission lines and appurtenant structures may have a number of detrimental effects, such as damage to the aesthetic quality of land to the extent that market values would be lowered. Since these detriments may preclude a full range of multiple uses and may decrease the value of the adjacent land, the Commission proposed to eliminate the discount since the fair market value of all adjacent land was lowered for the purposes of calculating annual charges.

Commenters unanimously opposed the elimination of the practice of charging for lands used for transmission line rights-of-way one half of the charge for other project lands. The commenters (PE, EEI, NCWCD, Idaho) note that the detriments cited above were discussed in the Commission's revision of these regulations in 1976,[30] and that no evidence has been presented to justify a departure from the present rule. The commenters (Seattle, EEI) also claim that the limited use of rights-of-way allows for public access, resource sharing, and aids firefighting in remote areas. The commenters (e.g. Idaho) add that any detrimental effect is limited and offset by the benefits of limited use. Finally, the commenters (Idaho, EEI) note that, historically, appraisers have determined that the market value of transmission line rights-of-way is roughly half of the market value of other land.

The Commission agrees with the above statements and will continue to assess transmission line charges at one-half of the value of other Federal lands. This will be accomplished by using the USFS index as its methodology of assessing charges for transmission line rights-of-ways, and charging twice that amount for other lands. The USFS index was designed specifically for transmission line rights-of-way, and is the best available method for assessing those charges. As the commenters acknowledge, other project lands are worth twice as much as transmission line rights-of-way. For that reason, transmission line rights-of-way will be assessed at the Forest Service index rate and other project land will be assessed at twice that rate.

b. *Agricultural land values.* In the NOPR, the Commission outlined a new method of assessing land use charges which retained the existing formula of land value times a rate of return, but proposed to substitute a new land value and a new rate of return. The NOPR

[24] Currently there are no licensed projects in the higher-rates zones. The highest rate for a currently-licensed project is $26.92. For projects located in zones for which the Forest Service has provided no fees (*e.g.*, Alaska) the Commission will continue to bill in accordance with the old regulations and will change to the new method after the Forest Service has set the fee in that zone. Licensees that have projects in more than one zone must provide a breakdown of the number of acres in each zone. Failure to do this will result in being billed according to the project's highest zone value.

[25] 16 U.S.C. 803(a) (1982).

[26] Staff has calculated the per acre land charge under the old Commission methodology ($150 × .08876) and found that licensees would pay $13.31 per acre in 1987 without the proposed rule change. The per-acre charge under the USFS–BLM methodolgoy range from $2.24 to $26.92. Therefore, not only will any increase be within a zone of reasonableness, but in some cases the charges will decrease.

[27] Order 560, 56 F.P.C. 3860, 3862 (1976).

[28] *See* City of Vanceburg v. FERC, 571 F.2d 630 (D.C. Cir. 1977), *cert. denied*, 439 U.S. 818 (1978).

[29] Order 560, 56 F.P.C. 3860, 3866 (1976).

[30] *Id.*

proposed to substitute state-by-state average value per-acre of farm land and buildings as set out in the U.S. Department of Agriculture's annual publication "Agricultural Land Values and Markets Outlook and Situation Report." The proposal would also remove the limitation on adjustments of the rate of return of one quarter percent a year.

Commenters almost unanimously object to the use of the agricultural land value index, arguing that the use of farm land values would result in a drastic increase in charges related to the benefits of the projects. Farm land values vary greatly from state to state, the commenters argue, and are usually much higher than the values of the type of land involved in hydroelectric development. Many commenters suggest the Forest Service index be used as a index that is more representative of typical project land. The farm land index, they argue, will have to be adjusted to account for farm buildings, for the cleared, arable, level land it represents, and for the fact that it represents private and not Federal lands. The Commission agrees with these arguments. The agricultural index would require such major adjustments that it is not an efficient measure of land value for hydropower projects. Therefore, the agricultural land values index will not be used.

c. *The percentage of sales or rate per kW hour fee methodologies.* The NOPR also suggested, as an alternative basis for Federal land use charges, the use of a fee based upon a percentage of the project's gross sales or on a flat rate per kilowatt hour. Commenters unanimously find that these methods would be unsatisfactory. The commenters (EEI, Ga.P) note that the determination of gross income of a project would be difficult, since, for many projects, power is intermingled and sold through a multifaceted rate structure to various customers, making identification of an individual project's gross income speculative unless burdensome paperwork procedures are adopted. Furthermore, most argue, land use charges must be related to the value of the land, not the output of the projects, or projects with similar lands could pay greatly different rates. Such a fee system would be a royalty or tax rather than rent for the use of the land, and several commenters question whether such a system would be legal under section 10(e) of the Federal Power Act.

Only the Forest Service finds some value in the use of this type of a fee system, and then only for run-of-river projects (those using no reservoirs). The Forest Service suggested a three-tiered system where the type of land use charges would be based upon whether the land is used for run-of-river projects, non-run-of-river projects, or transmission lines. The Forest Service claims that the Commission must charge for the real value of the land, and that this value is the land's ability to produce power. Therefore, the Forest Service claims, a fee schedule as described above is appropriate for run-of-river projects.

The Commission agrees with most of the commenters that a percentage of gross sales fee or a flat rate per kilowatt hour fee is not a reasonable method of assessing land use charges. The tiered system suggested by the Forest Service is also unreasonable, as it would charge a royalty for run-of-river projects as though the Federal land being used was producing the power. This overlooks the fact that many projects use a combination of Federal and private lands, and that the power output is a result of many factors (water rights, head, project structure) and not just the acreage of Federal land involved. For these reasons the Commission decides not to adopt the above fee methodologies as a means of assessing land charges.

d. *Individual appraisals.* The NOPR also requested comments on the advisability of permitting licensees to submit independent appraisals to contest the accuracy of an annual land use charge, and whether an appraisal system could be the sole basis for determining fair market value of Federal land use. Commenters were also asked to identify the standards and criteria that should be used to make appraisals. Although no commenter submitted useful standards and criteria, other than the Department of Interior's recommendation that certified private appraisers be used, and that private appraisals be verified by a separate Federal appraisal, most express the opinion that appraisals are of some value. Several commenters (Grant, Eugene, Birch) claim that independent appraisals were the best method of land valuation, but most believe that appraisals should only be used to support an appeal to the use of the index of land values on the ground that it produces an unreasonable annual charge. The Forest Service advocates the use of an appraisal system (as did the Department of the Interior) claiming that appraisal techniques have improved since this method was abandoned as unworkable in the 1940s. Further, it argues, the costs were too burdensome when land values were $50 per acre, but when some Federal lands are worth $15,000 per acre the cost of appraisals would be insignificant. However, the Forest Service concedes that ongoing appraisals are often the subject of appeals and, in its experience, can become complex, controversial, and costly. Another commenter (Ala.P) supports this statement noting that the administrative burden of independent appraisals would be so overwhelming as to make any such approach administratively infeasible.

The Commission abandoned the appraisal method in 1942 because the cost of individual project appraisals was often excessive compared to the value of the Federal land and because, unless constantly updated, appraisals did not keep up with changes in land values. This method was reevaluated in 1976 and again rejected on the ground that it would lead to costly and time consuming litigation over values computed in individual cases. This decision is supported by the views of some commenters and by the experience of the Forest Service with its appraisal programs. The Commission still believes that independent appraisals would be too administratively burdensome and costly (costs which licensees would be responsible to reimburse under section 10(e) of the Act).

f. *Advanced billing for Federal land use charges.* In the supplemental notice the Commission requested comments on the Inspector General's recommendation that the Commission bill in advance for Federal land use charges. The Inspector General claimed that the Federal Land Policy and Management Act of 1976 (FLPMA),[31] requires the Commission to bill for land charges in advance, and not doing so is costing the Commission $270,000 a year.[32]

Most commenters objected to advance billing for land charges for various reasons. One (Seattle) claimed the change was unreasonable, as no other of the commenter's contracts, including its income tax, require advance payment. The commenter overlooks that most rent, and all charges under FLPMA, are paid in advance. Other commenters (Idaho, Ala.P) noted that the savings to the government would result in increased costs to the rate payers if the local public utility commission would allow it, and costs to the shareholder if it would not.[33] The Commission realizes

[31] 43 U.S.C. 1761(b)(1) (1982).

[32] *See* Report No. DOE/IG-0224 (Feb. 3, 1986).

[33] One commenter (Idaho) claims that its yearly charge, paid in advance in the transition year would be lost forever. This is not the case, as licenses are issued for set periods, and at the expiration of the

Continued

that the savings to the Commission will be borne by the licensees, but the savings outlined by the Inspector General and conformity with other agency practice under FLPMA dictate a change to advance billing. Another commenter (Seattle) claimed that the USFS index will not be adjusted for inflation for each year until after the Commission's land use charges have gone out, and that the subsequent year's charges would need adjusting to prevent billing based on stale data. As noted above, the Forest Service index is the best approximation of reasonable land charges. Although not exact, the land charges index that is available at the time of billing, even if several months old, is the best available basis for assessing land use charges. Moreover, since the Forest Service index will be adopted and published each year by the Commission, the delay will provide the Commission with time to review and issue its own schedule of fees based on the most recent USFS index. For these reasons the Commission finds that using the last available USFS index will not cause a discrepancy in the assessment substantial enough to render the charges unreasonable.[34]

Other commenters (PGE, Idaho) argued that FLPMA does not specifically require advance billing for land charges for projects governed by licenses under the Federal Power Act. On its face FLPMA is directed at the Secretary of the Interior rather than the Commission, and requires that the Secretary bill for land use charges in advance.[35] Whether or not the Commission is required under FLPMA to bill in advance for land charges, it does so because of the savings involved, and also to be consistent with the intent of Congress in its passage of FLPMA which requires the billing of charges for the use of Federal land in advance.

Most commenters objected to the burden of being billed for two years in the transition year, and requested that the rule be phased in, as were the Forest Service charges. The Commission agrees that the burden of the first year will be onerous unless phased in. Therefore advanced billing will begin in fiscal year 1988 with bills for land use charges issued early in the fiscal year, and with payments due in January 1988. A nine month land charge for ¾ of 1987 will be calculated at that time. One third of this 1987 charge will be due with the land charge for each year from 1988 to 1990. This phase-in will prevent the advance charges from being due entirely in one year.

C. Other Comments

1. Administrative Costs of Other Federal Agencies

Several commenters (e.g. EEI, PE, PGE) noted that in 1986 the Commission began including in its annual charge bills the costs that other Federal agencies incur in administering Part 1 of the Act. Some commenters (WUG, EEI, PGE) complain that the collections for other agency costs began without notice, and continues without sufficient guidelines, standards, or regulations. The commenters request that the Commission institute a rulemaking in order to allow affected parties an opportunity to comment, and to allow the Commission to formalize the new procedures. The commenters ask that, in the alternative, the Commission enter into Memoranda of Understanding with those agencies to ensure the veracity of their claims for reimbursal. The Federal agencies that commented on this rule (USFS, Interior) supported the Commission's practice and asked that it be recognized in the final rule.

The Commission began this practice on the advice of the Inspector General, after it was noted that section 10(e) of the Federal Power Act required reimbursal of costs to the United States for administration on Part 1 of the Act, and not just costs to the Commission.[36] The practice, however, is not the subject of this rulemaking, and no provisions will be made here to change it until the Commission decides if the present implementation of the program requires more formal guidelines.

2. Municipal Exemptions

One commenter (PE) cited a Commission and Congressional policy against collecting fees from municipalities for services to the general public,[37] and claimed that by not exempting municipalities, the annual charges regulations were inconsistent with the rest of the Commission fee policies.

In the orders cited by this commenter, the Commission exempted states and municipalities from the payment of fees because of the administrative burdens of trying to sort out which services rendered to states and municipalities could be subject to fees. The Commission does agree that when a state or municipality uses a Commission service to serve the general public it may be exempted from all fees.[38] In addition, the Commission's regulations for annual charges already provide procedures for determining when a state or municipality should be exempt from annual charges. Furthermore, the statutes and regulations cited by the commenter, under which municipalities were exempted from the payment of fees, are not related to the Federal Power Act, and therefore are not directly applicable to the case at hand. Therefore, in cases other than those specified in 18 CFR 11.06, states and municipalities merit no further exclusion.

3. Rising Rates

Several commenters noted that annual charges are rising rapidly because of the large number of applications for small hydropower projects submitted in recent years. Many of these applications are for preliminary permits and exemptions, yet the Act places the burden of administrative costs solely on licensees. Existing licensees had little to do with the large increase in applications, argue the commenters, yet are now faced with subsidizing the boom in small hydropower development. The commenters note that the Commission has alluded to imposing filing fees on applicants for several years, and asks that the Commission act on those proposals.

The Commission is aware of the problems cited by the commenters, and is considering action to remedy the situation. However, the issue of filing fees lies outside the scope of this rulemaking.

D. Other Changes

The final rule also makes two minor technical corrections to the annual charges regulations. The NOPR stated that § 11.01(b) would be revised to refer to "state or municipal licensees of projects of more than 1.5 megawatts of installed capacity", in order to make the section consistent with changes made by the Commission previously. Specifically, in 1958 the Commission issued regulations whereby annual charges were assessed to licensees of projects of more than 100 horsepower of installed capacity.[39]

license the charges for the last year would have already been paid.

[34] Similarly, municipalities seeking exemptions for advanced land charges under 18 CFR 11.06 will base their applications on the last available generation data.

[35] 43 U.S.C. 1761 (1982).

[36] 16 U.S.C. 803(e) (1982).

[37] *See* Independent Offices and Appropriations Act of 1952, 31 U.S.C. 9701 (1982). *See also*, Fees Applicable to Electric Utilities, 50 FR 40347 (Oct. 3, 1985) [Reg. Preambles 1982–1985] FERC Stat. Eg. No. 30,663 (1985) (Order No. 435).

[38] *See* Fees Applicable to General Activities, 49 FR 35348 (Sept. 7, 1984) (Reg. Preambles 1982–1985) FERC Stat. & Reg. No. 30,592 at 31,117 (1984) (Order No. 395).

[39] 18 CFR 11.01(b) (1986).

In 1963, the Commission, pursuant to section 10(i) of the Act,[40] amended § 11.01(a) (then 11.20(a)), but made no similar change with respect to state or municipal licensees.[41] This section should be changed from 100 to 2000 horsepower in order to be consistent with the rest of the section. The regulations are also amended by deleting § 11.01(b)(6),[42] which is a provision of the regulations that was intended to implement a transition to new rules promulgated in 1958. This provision expired 60 days after it was issued, and is therefore obsolete. While § 11.01(b)(6)(ii) has not expired, it merely codifies a right already set forth in the Act which does not need repetition. No comments were received on these proposed changes, and they are adopted by this final rule.

VI. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act of 1980 (RFA) requires a description and analysis of final rules that will have a "significant economic impact on a substantial number of small entities."[43] An agency is not required to make an RFA analysis, however, if it certifies that a rule will not have such an impact.

This final rule will change Commission procedure in that annual charges will be based on data for the government fiscal year, rather than the calendar year, in order to synchronize the data used, and to eliminate the interest lost as a result of the three-month lag between the time the reimbursable. The rule also requires that the data used in assessing annual charges be submitted on a fiscal-year basis. The final rule also changes the methodology for computing the annual charges for the use of Federal property by licensees. These annual charges will be assessed based upon the fee index for linear rights-of-way prepared by the United States Forest Service. Finally, the rule increases the minimum annual charge for Federal land use by licensed projects of 500 kw or less from $10 to $25.

In the NOPR, the Commission certified, pursuant to section 605(b) of the RFA, that the revisions to the billing procedures for annual charges and to the methodology of computing land use charges would not, if adopted, have significant economic impact on a substantial number of small entities.

The Commission received no comments or rebuttals to the Commission's certification that a regulatory flexibility analysis was not required. The Commission has reviewed the final rule, and continues to find, for the reason expressed in the RFA certification in the NOPR, that the rule will not have an impact that will require the preparation of a RFA analysis. In particular, the Commission notes that few of the projects that would be affected by the increase in land use charges are small entities. Most small entities are usually licensees of small proejcts, and only 24 small projects (1.5 megawatts or less) are assessed Federal land use charges. These charges, as amended by this final rule, are not expected to significantly increase the total costs of these projects. The change to fiscal-year billing for all annual charges is not an increase, but a change in timing, and is not expected to have a significant impact. Finally, any impact will be minimized by being phased in. For these reasons, the Commission certifies under section 605(b) of the RFA that this rule will not have a significant economic effect on a substantial number of small entities.

VII. Paperwork Reduction Act

The Paperwork Reduction Act (PRA)[44] and the Office of Management and Budget's (OMB) regulations[45] require that OMB approve certain information collection requirements imposed by agency rule. The information collection provisions in this final rule are being submitted to the Office of Management and Budget (OMB) for its approval. Interested persons can obtain information on the information collection provisions by contacting the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 (Attention: Ellen Brown (202) 357-8272). Comments on the information collection provisions can be sent to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, Washington, DC 20503 (Attention: Desk Officer for the Federal Energy Regulatory Commission).

VIII. Effective Date

The amendments of this final rule will be effective July 28, 1987. If OMB's approval and control number have not been received by this effective date, the Commission will issue a notice temporarily suspending the effective date.

[40] 16 U.S.C. 803(i) (1982).

[41] Amendment to Part 11, 19 F.P.C. 907 (1958) (Order No. 205).

[42] 18 CFR 11.01(b)(6).

[43] 5 U.S.C. 601-612 (1982).

[44] 44 U.S.C. 3501-3520 (1982).

[45] 5 CFR 1320.13 (1986).

Appendix A

Commenter	Code
Alabama Power	Ala.P.
Birch Power	Birch.
Catalyst Energy Development Corp.	Cat.
Chelan County PUD No. 1	Chelan.
Edison Electric Institute	EEI.
Eugene, Oregon Water and Electric Board.	Eugene.
Georgia Power	Ga.P.
Grant County PUD #2	Grant.
Idaho Power Company	Idaho.
Minnesota Power	Minn.
Montana Power Company	Mont.
Northern Colorado Water Conservancy District.	NCWCD.
Pacific Gas and Electric	PGE.
Public Service Co. of Colorado	PSCC.
Sacramento Municipal Utility District, et al. (public entities).	PE.
Seattle City Light	Seattle.
Snohomish County PUD No. 1	Snoho.
Southern California Edison Co.	SCE.
U.S. Department of the Interior	Interior.
U.S. Forest Service	USFS
Western Utility Group	WUG.

List of Subjects in 18 CFR Part 11

Electric power, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends Part 11 of Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 11—[AMENDED]

1. The authority citation for Part 11 continues to read as follows:

Authority: Federal Power Act, 16 U.S.C. 791a–825r (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Exec. Order No. 12,009, 3 CFR 142 (1978), unless otherwise noted.

2. In § 11.1, paragraphs (a)(2), (a)(4), (b)(2), (b)(3), and (b)(4) are revised to read as follows:

§ 11.1 Costs of administration.

* * * * *

(a) For a licensee, other than State or municipal, of a project of more than 2,000 horsepower of installed capacity.

* * * * *

(2) For each fiscal year the costs of administration determined under paragraph (a)(1) of this section will be assessed against such licensee in the proportion that the annual charge factor for each such project bears to the total of the annual charge factors under all such outstanding licenses.

* * * * *

(4) To enable the Commission to determine such charges annually, each licensee must file with the Commission, on or before November 1 of each year, a statement under oath showing the gross amount of power generated (or produced by nonelectrical equipment) and the amount of power used for pumped storage pumping by the project during the preceding fiscal year, expressed in kilowatt hours. If any licensee does not report the gross energy output of its project within the time specified above, the Commission's staff will estimate the energy output and this estimate may be used in lieu of the filings required by this section made by such licensee after November 1.

* * * * *

(b) For a State or municipal licensee of a project of more than 2,000 horsepower of installed capacity.

* * * * *

(2) For each fiscal year such total actual cost of administration as determined under paragraph (b)(1) of this section will be assessed against each such licensee in the proportion that the authorized horsepower installed capacity of each such project bears to the total such capacity under all such outstanding licenses.

(3) After such assessment each fiscal year, an exemption will be granted to a licensee to the extent, if any, to which they may be entitled under section 10(e) of the Act provided the data is submitted as requested in paragraphs (b)(4) and (5) of this section.

(4) To enable the Commission to compute on the bill for annual charges the exemption to which such licensee is entitled because of the use of power by the licensee for State or municipal purposes, each such licensee must file with the Commission, on or before November 1 of each year, a statement under oath showing the following information with respect to the power generated by the project and the disposition thereof during the preceding fiscal year, expressed in kilowatt-hours:

* * * * *

3. Section 11.1(b)(6) is removed.

4. In § 11.2 paragraphs (b), (c), and (d) are revised to read as follows:

§ 11.2 Use of Government Lands.

* * * * *

(b) Pending further order of the Commission and subject to adjustments as conditions may warrant, annual charges for the use of government lands will be payable in advance, and will be set on the basis of the schedule of rental fees for linear rights-of-way as set out in Schedule A of this part. Annual charges for transmission line rights-of-way will be equal to the per-acre charges established by the above schedule. Annual charges for other project lands will be equal to twice the charges established by the schedule. The Commission, by its designee the Executive Director, will update its fees schedule to reflect changes in land values established by the Forest Service. The Executive Director will publish the updated fee schedule in the **Federal Register.**

(c)(1) The annual land use charge payable for the nine month transition year of the implementation of this rule (1987) will be payable in three equal installments, with an installment included in the land use charges bills for 1988, 1989, and 1990.

(2) The charge for one year will equal an amount as computed under the procedures outlined in this section, or twice the previous full normal year's bill (not including the installments described in paragraph (c)(1) of this section), whichever is less.

(d) The minimum annual charge for use of Government lands under any license will be $25.

* * * * *

5. Section 11.3(c) is revised to read as follows:

§ 11.3 Use of Government dams, excluding pumped storage projects.

* * * * *

(c) *Information reporting.* (1) Except as provided in paragraph (c)(2) of this section, each licensee must file with the Commission, on or before November 1 of each year, a sworn statement showing the gross amount of energy generated during the preceding fiscal year and the amount of energy provided free of charge to the Government. The determination of the annual charge will be based on the gross energy production less the energy provided free of charge to the Government.

(2) A licensee who has filed these data under another section of Part 11 or who has submitted identical data with FERC or the Energy Information Administration for the same fiscal year is not required to file the information described in paragraph (c)(1) of this section. Referenced filings should be identified by company name, date filed, docket or project number, and form, number.

* * * * *

6. Section 11.4(b) is revised to read as follows:

§ 11.4 Use of Government dams for pumped storage projects, and use of tribal lands.

* * * * *

(b) *Information reporting.* (1) Except as provided in paragraph (b)(2) of this section a Licensee whose project includes pumped storage facilities must file with the Commission, on or before November 1 of each year, a sworn statement showing the gross amount of energy generated during the preceding fiscal year, and the amount of energy provided free of charge to the Government, and the amount of energy used for pumped storage pumping.

(2) A licensee who has filed these data under another section of Part 11 or who has submitted identical data with FERC or the Energy Information Administration for the same fiscal year is not required to file the information required in paragraph (b)(1) of this section. Referenced filings should be identified by company name, date filed, docket or project number, and form number.

7. Part 11 is amended by adding Schedule A at the end of this part to read as follows:

* * * * *

BILLING CODE 6717-01-M

FEE SCHEDULE FOR LINEAR RIGHTS-OF-WAY RENTAL RATE/YEAR

STATE	COUNTY	FEE PER-ACRE PER-YEAR
ALABAMA	ALL COUNTIES	$17.95
ARKANSAS	ALL COUNTIES	$13.46
ARIZONA	APACHE COCHISE GILA GRAHAM LA PAZ MOHAVE NAVAJO PIMA YAVAPAI YUMA COCONINO NORTH OF COLORADO RIVER	$ 4.49
	COCONINO SOUTH OF COLORADO RIVER GREENLEE MARICOPA PINAL SANTA CRUZ	$17.95
CALIFORNIA	IMPERIAL INYO LASSEN MODOC RIVERSIDE SAN BERNARDINO	$ 8.97
	SISKIYOU	$13.46

STATE	COUNTY	FEE PER-ACRE PER-YEAR
CALIFORNIA (cont)	ALAMEDA	$22.44
	ALPINE	
	AMADOR	
	BUTTE	
	CALAVERAS	
	COLUSA	
	CONTRA COSTA	
	DEL NORTE	
	EL DORADO	
	FRESNO	
	GLENN	
	HUMBOLDT	
	KERN	
	KINGS	
	LAKE	
	MADERA	
	MARIPOSA	
	MENDICINO	
	MERCED	
	MONO	
	NAPA	
	NEVADA	
	PLACER	
	PLUMAS	
	SACRAMENTO	
	SAN BENITO	
	SAN JOAQUIN	
	SANTA CLARA	
	SHASTA	
	SIERRA	
	SOLANO	
	SONOMA	
	STANISLAUS	
	SUTTER	
	TEHAMA	
	TRINITY	
	TULARE	
	TOULUMNE	
	YOLO	
	YUBA	

STATE	COUNTY	FEE PER-ACRE PER-YEAR
CALIFORNIA (cont)	LOS ANGELES MARIN MONTEREY ORANGE SAN DIEGO SAN FRANCISCO SAN LUIS OBISPO SAN MATEO SANTA BARBARA SANTA CRUZ VENTURA	$26.92
COLORADO	ADAMS ARAPAHOE BENT CHEYENNE CROWLEY ELBERT EL PASO HUERFANO KIOWA KIT CARSON LINCOLN LOGAN MOFFAT MONTEZUMA MORGAN PUEBLO SEDGEWICK WASHINGTON WELD YUMA	$ 4.49
	BACA DOLORES GARFIELD LAS ANIMAS MESA	$ 8.97

STATE	COUNTY	FEE PER-ACRE PER-YEAR
COLORADO (cont)	MONTROSE OTERO PROWERS RIO BLANCO ROUTT SAN MIGUEL	$ 8.97
	ALAMOSA ARCHULETA BOULDER CHAFFEE CLEAR CREEK CONEJOS COSTILLA CUSTER DENVER DELTA DOUGLAS EAGLE FREMONT GILPIN GRAND GUNNISON HINSDALE JACKSON JEFFERSON LAKE LA PLATA LARIMER MINERAL OURAY PARK PITKIN RIO GRANDE SAGUACHE SAN JUAN SUMMIT TELLER	$17.95

STATE	COUNTY	FEE PER-ACRE PER-YEAR
CONNECTICUT	ALL COUNTIES	$ 4.49
FLORIDA	BAKER BAY BRADFORD CALHOUN CLAY COLUMBIA DIXIE DUVAL ESCAMBIA FRANKLIN GADSDEN GILCHRIST GULF HAMILTON HOMES JACKSON JEFFERSON LAFAYETTE LEON LIBERTY MADISON NASSAU OKALOSSA SANTA ROSA SUWANNEE TAYLOR UNION WAKULLA WALTON WASHINGTON	$26.92
	ALL OTHER COUNTIES	$44.87
GEORGIA	ALL COUNTIES	$26.92

STATE	COUNTY	FEE PER-ACRE PER-YEAR
IDAHO	CASSIA GOODING JEROME LINCOLN MINIDOKA ONEIDA OWYHEE POWER TWIN FALLS	$ 4.49
	ADA ADAMS BANNOCK BEAR LAKE BENEWAH BINGHAM BLAINE BOISE BONNER BONNEVILLE BOUNDARY BUTTE CAMAS CANYON CARIBOU CLARK CLEARWATER CUSTER ELMORE FRANKLIN FREMONT GEM IDAHO JEFFERSON KOOTENAI LATAH LEMHI LEWIS MADISON NEZ PERCE	$13.46

STATE	COUNTY	FEE PER-ACRE PER-YEAR
IDAHO (cont)	PAYETTE SHOSHONE TETON VALLEY WASINGTON	$13.46
KANSAS	ALL OTHER COUNTIES	$ 4.49
	MORTON	$ 8.97
ILLINOIS	ALL COUNTIES	$13.46
INDIANA	ALL COUNTIES	$22.44
KENTUCKY	ALL COUNTIES	$13.46
LOUISIANA	ALL COUNTIES	$26.92
MAINE	ALL COUNTIES	$13.46
MICHIGAN	ALGER BARAGA CHIPPEWA DICKINSON DELTA GOGEBIC	$13.46

STATE	COUNTY	FEE PER-ACRE PER-YEAR
MICHIGAN (cont)	HOUGHTON IRON KEWEENAW LUCE MACKINAC MARQUETTE MENOMINEE ONTONAGON SCHOOLCRAFT	$13.46
	ALL OTHER COUNTIES	$17.95
MINNESOTA	ALL COUNTIES	$13.46
MISSISSIPPI	ALL COUNTIES	$17.95
MISSOURI	ALL COUNTIES	$13.46
MONTANA	BIG HORN BLAINE CARTER CASCADE CHOUTEAU CUSTER DANIELS McCONE MEAGHER DAWSON FALLON FERGUS GARFIELD GLACIER	$ 4.49

STATE	COUNTY	FEE PER-ACRE PER-YEAR
MONTANA (cont)	GOLDEN VALLEY HILL JUDITH BASIN LIBERTY MUSSELSHELL PETROLEUM PHILLIPS PONDERA POWDER RIVER PRAIRIE RICHLAND ROOSEVELT ROSEBUD SHERIDAN TETON TOOLE TREASURE VALLEY WHEATLAND WIBAUX YELLOWSTONE	$ 4.49
	BEAVERHEAD BROADWATER CARBON DEER LODGE FLATHEAD GALLATIN GRANITE JEFFERSON LAKE LEWIS & CLARK LINCOLN MADISON MINERAL MISSOULA PARK POWELL RAVALLI SANDERS SILVER BOW	$13.46

STATE	COUNTY	FEE PER-ACRE PER-YEAR
MONTANA (cont)	STILLWATER SWEET GRASS	$13.46
NEBRASKA	ALL COUNTIES	$ 4.49
NEVADA	CHURCHILL CLARK ELKO ESMERALDA EUREKA HUMBOLDT LANDER LINCOLN LYON MINERAL NYE PERSHING WASHOE WHITE PINE	$ 2.24
	CARSON CITY DOUGLAS STORY	$22.44
NEW HAMPSHIRE	ALL COUNTIES	$13.46
NEW MEXICO	CHAVES CURRY DE BACA DONA ANA EDDY GRANT GUADALUPE	$ 4.49

STATE	COUNTY	FEE PER-ACRE PER-YEAR
NEW MEXICO (cont)	HARDING HIDALGO LEA LUNA MCKINLEY OTERO QUAY ROOSEVELT SAN JUAN SOCORRO TORRENCE	$ 4.49
	RIO ARRIBA SANDOUAL UNION	$ 8.97
	BERNALILLO CATRON CIBOLA COLFAX LINCOLN LOS ALAMOS MORA SAN MIGUEL SANTA FE SIERRA TAOS VALENCIA	$17.95
NEW YORK	ALL COUNTIES	$17.95
NORTH CAROLINA	ALL COUNTIES	$26.92

STATE	COUNTY	FEE PER-ACRE PER-YEAR
NORTH DAKOTA	ALL COUNTIES	$ 4.49
OHIO	ALL COUNTIES	$17.95
OKLAHOMA	ALL OTHER COUNTIES	$ 4.49
	BEAVER CIMARRON ROGER MILLS TEXAS	$ 8.97
	LE FLORE MC CURTAIN	$13.46
OREGON	HARNEY LAKE MALHEUR	$ 4.49
	BAKER CROOK DESCHUTES GILLIAM GRANT JEFFERSON KLAMATH MORROW SHERMAN UMATILLA UNION WALLOWA	$ 8.97

STATE	COUNTY	FEE PER-ACRE PER-YEAR
OREGON (cont)	WASCO WHEELER	$ 8.97
	COOS CURRY DOUGLAS JACKSON JOSEPHINE	$13.46
	BENTON CLACKAMAS CLATSOP COLUMBIA HOOD RIVER LANE LINCOLN LINN MARION MULTNOMAH POLK TILLAMOOK WASHINGTON YAMHILL	$17.95
PENNSYLVANIA	ALL COUNTIES	$17.95
PUERTO RICO	ALL	$26.92
SOUTH DAKOTA	BUTTE CUSTER FALL RIVER LAWRENCE	$13.46

STATE	COUNTY	FEE PER-ACRE PER-YEAR
SOUTH DAKOTA (cont)	MEAD PENNINGTON	$13.46
	ALL OTHER COUNTIES	$ 4.49
SOUTH CAROLINA	ALL COUNTIES	$26.92
TENNESSEE	ALL COUNTIES	$17.95
TEXAS	CULBERSON EL PASO HUDSPETH	$ 4.49
	ALL OTHER COUNTIES	$26.92
UTAH	BEAVER BOX ELDER CARBON DUCHENSE EMERY GARFIELD GRAND IORN JUAB KANE MILLARD SAN JUAN TOOELE UINTAH WAYNE	$ 4.49

STATE	COUNTY	FEE PER-ACRE PER-YEAR
UTAH (cont)	WASHINGTON	$ 8.97
	CACHE DAGGETT DAVIS MORGAN PIUTE RICH SALT LAKE SANPETE SEVIER SUMMIT UTAH WASATCH WEBER	$13.46
VERMONT	ALL COUNTIES	$17.95
VIRGINIA	ALL COUNTIES	$17.95
WASHINGTON	ADAMS ASOTIN BENTON CHELAN COLUMBIA DOUGLAS FRANKLIN GARFIELD GRANT KITTITAS KLICKITAT LINCOLN OKANAGAN SPOKANE	$ 8.97

STATE	COUNTY	FEE PER-ACRE PER-YEAR
WASHINGTON (cont)	WALLA WALLA WHITMAN YAKIMA	$ 8.97
	PERRY PEND OREILLE STEVENS	$13.46
	CLALLAM CLARK COWLITZ GRAYS HARBOR ISLAND JEFFERSON KING KITSAP LEWIS MASON PACIFIC PIERCE SAN JUAN SKAGIT SKAMANIA SNOHOMISH THURSTON WAHKIAKUM WHATCOM	$17.95
WEST VIRGINA	ALL COUNTIES	$17.95
WISCONSIN	ALL COUNTIES	$13.46

STATE	COUNTY	FEE PER-ACRE PER-YEAR
WYOMING	ALBANY CAMPBELL CARGON CONVERSE GOSHEN HOT SPRINGS JOHNSON LARAMIE LINCOLN NATRONA NIOBRARA PLATTE SHERIDAN SWEETWATER FREMONT SUBLETTE UINTA WASHAKIE	$ 4.49
	BIG HORN CROOK PARK TETON WESTON	$13.46
ALL OTHER ZONES		$ 6.66

[FR Doc. 87-11022 Filed 5-13-87; 8:45 am]

BILLING CODE 6717-01-C

18 CFR Parts 16 and 389

[Docket No. RM87-7-000]

Information To Be Made Available by Hydroelectric Licensees Under Section 4(a) of the Electric Consumers Protection Act of 1986

Issued: May 7, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Interim Rule and Suspension of Effective Date.

SUMMARY: On March 30, 1987, the Federal Energy Regulatory Commission (Commission) issued an interim rule in Docket No. RM87-7-000, 52 FR 11035 (April 7, 1987), amending its regulations governing information to be made available by hydroelectric licensees under section 4(a) of the Electric Consumers Protection Act of 1986. The interim rule promulgated certain information collection provisions that were submitted to the Office of Management and Budget for its approval pursuant to the Paperwork Reduction Act, 44 U.S.C. 33 3501-3520 (1982). This interim rule (1) states the OMB control number for §§ 16.1, 16.14, 16.15, and 16.16 of Chapter 18 promulgated in this docket, (2) amends 18 CFR 16.16(c)(1) to remove the word "compile" and substitute the words "make available" and (3) stays the effective date of 18 CFR 16.16(d)(1) promulgated in the interim rule issued March 30, 1987.

EFFECTIVE DATE: May 7, 1987.

FOR FURTHER INFORMATION CONTACT: Robert C. Fallon, Rulemaking and Legislative Analysis Division, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8540.

SUPPLEMENTARY INFORMATION:

Interim Rule and Stay

Issued: May 7, 1987.

Before Commission: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

Information to be made Available by Hydroelectric Licenses Under Section 4(a) of Electric Consumers Protection Act of 1986; Docket No. RM87-7-000; Order No. 467-A.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending § 16.16(c)(1) of its regulations and suspending the effective date of § 16.16(d)(1) of its regulations, implementing section 4(a) of Electric Consumers Protection Act of 1986, Pub. L. No. 99-495. This amendment and stay are in response to a review by the Office of Management and Budget of the information collection requirements required by 18 CFR 16.16 (c)(1) and (d)(1).

II. Background

The Commission promulgated §§ 16.16 (c)(1) and (d)(1) of its regulations by an interim rule issued on March 30, 1987,[1] to be effective on May 7, 1987. The interim rule prescribed the information that an existing hydroelectric licensee must make available to the public upon notifying the Commission of the intention to file for a new license. It also established new filing requirements in §§ 16.1, 16.14, 16.15, and 16.16. Comments on the interim rule are due on May 22, 1987. The revisions in this interim rule do not affect the date on which the comments are due.

The Paperwork Reduction Act, 44 U.S.C. 3501-3520 (1982) and the Office of Management and Budget's (OMB) Regulations, 5 CFR Part 1320 (1986) require that OMB approve certain information collection requirements imposed by agency rule. On April 29, 1987, OMB approved all the information collection requirements except §§ 16.16 (c)(1) and (d)(1), and issued Control Numbers 19020058 and 19020115 for the sections approved.

III. Discussion

A. Section 16.16(c)(1)

Section 16.16(c)(1) provides that a licensee must *compile* the information required to be available by the interim rule in a form that is readily accessible, reviewable and reproducible.

In disapproving this provision, OMB read the word "compile" to mean a licensee would be required to (1) review all of its files, (2) determine whether the information exists and is covered by the regulations, and (3) then catalog it in advance of any request by the public.

The Commission is clarifying that it did not intend that a licensee catalog the information to be made available in advance of any request by the public. The Commission only intended to require the licensee to organize the information so that it could be made available within a reasonable period of time after a request by a member of the public. Therefore, the Commission is amending § 16.16(c)(1) by replacing the word "compile" with the words "make available."

B. Section 16.16(d)(1)

Section 16.16(d)(1) requires an existing licensee to file with the Commission a statement on the information concerning the licensed project that is unavailable for public inspection and copying. This statement must describe the items that are unavailable and, to the extent known, why the items are unavailable.

In disapproving this provision, OMB said that the statutory intent of providing public access is satisfied by requiring licensees to provide information when requested. At that time, the licensee can determine the existence and availability of the document, within a reasonable period of time and provide it to the public. OMB said that if a member of the public believes the information is available but is being withheld, it can petition the Commission for assistance, as provided under § 16.16(d)(2) of the Commission's regulations.

The Commission said, in the interim rule, that it would suspend the effective date of the information collection requirements in the rule if the OMB did not approve those requirements. Therefore, the Commission suspends the effective date of § 16.16(d)(1), subject to further consideration.

Effective Date

The effective date of § 16.16(d)(1) is suspended, subject to further consideration. This interim rule will become effective immediately, without prior notice and comment. Notice and comment procedures are not required under the Administrative Procedure Act when an agency for good cause finds that notice and comment is impracticable, unnecessary, or contrary to the public interest.[2] The Commission finds that public notice and comment before the issuance of this interim rule is unnecessary since it interprets and clarifies the existing interim rule.

List of Subjects

18 CFR Part 16

Electric power.

18 CFR Part 389

Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends Parts 16 and 389,

[1] "Information to be Made Available by Hydroelectric Licensees Under section 4(a) of Electric Consumers Protection Act of 1986," 52 FR 11035 (April 7, 1987), Docket No. RM87-7-000.

[2] 5 U.S.C. 533(b)(B) (1982).

Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 16—[AMENDED]

1. The authority citation for Part 16 continues to read as follows:

Authority: Federal Power Act, 16 U.S.C. 791a–825r, as amended by the Electric Consumers Protection Act of 1986, Pub. L. No. 99–495; Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Executive Order No. 12,009, 3 CFR 142 (1978).

2. Part 16 is amended by revising § 16.16(c)(1) to read as follows:

§ 16.16 Information to be made available to the public under ECPA.

* * * * *

(c) *Form, place of availability, hours of availability, and cost of reproduction.* (1) An existing licensee must make available the information specified in paragraph (b) of this section in a form that is readily accessible, reviewable, and reproducible.

* * * * *

3. Section 16.16(d)(1) is suspended.

PART 389—[AMENDED]

4. The authority citation for Part 389 continues to read as follows:

Authority: Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520 (1982).

§ 389.101 [Amended]

5. The table of OMB Control Numbers in § 389.101(b) is amended by inserting "§ 16.1," "§ 16.14," "§ 16.15" and "§ 16.16" in numerical order in the Section column, and "0058, 0115" in the corresponding position in the OMB Control Number column.

[FR Doc. 87–11064 Filed 5–13–87; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 232 and 235

[Docket No. R–87–1336; FR–2361]

Mortgage Insurance; Changes in Interest Rates

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the maximum allowable interest rate on certain section 232 (Mortgage Insurance for Nursing Homes) loans and on all section 235 (Homeownership for Lower Income Families) insured loans. This final rule is intended to bring the maximum permissible financing charges for these programs into line with competitive market rates.

EFFECTIVE DATE: May 11, 1987.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Chief Mortgage and Capital Market Analysis Branch, Office of Financial Management, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 755–7270. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The following amendments to 24 CFR Chapter II have been made to increase the maximum interest rate which may be charged on loans insured by this Department under section 232 (fire safety equipment) and section 235 of the National Housing Act. The maximum interest rate on the HUD/FHA section 232 (fire safety equipment) and section 235 insurance programs has been raised from 9.50 percent to 10.00 percent.

The Secretary has determined that this change is immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change.

As a matter of policy, the Department submits most of its rulemaking to public comment, either before or after effectiveness of the action. In this instance, however, the Secretary has detemined that advance notice and public comment procedures are unnecessary and that good cause exists for making this final rule effective immediately.

HUD regulations published at 47 FR 56266 (1982), amending 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the amendments made by this rule fall within the categorical exclusions set forth in paragraph (*1*) of § 50.20, the preparation of an Environmental Impact Statement of Finding of No Significant Impact is not required for this rule.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local governmental agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule provides for a small increase in the mortgage interest rate in programs of limited applicability, and thus of minimal effect on small entities.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 27, 1987 (52 FR 14362) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

(The Catalog of Federal Domestic Assistance program numbers are 14.108, 14.117, and 14.120)

List of Subjects

24 CFR Part 235

Condominiums, Cooperatives, Low and moderate income housing, Mortgage insurance, Homeownership, Grant programs: housing and community development.

24 CFR Part 232

Fire prevention, Health facilities, Loan programs: Health, Loan programs: Housing and community development, Mortgage insurance, Nursing homes, Intermediate care facilities.

Accordingly, the Department amends 24 CFR Parts 232 and 235 as follows:

PART 232—MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, AND BOARD AND CARE HOMES

1. The authority citation for 24 CFR Part 232 continues to read as follows:

Authority: Sections 211, 232, National Housing Act (12 U.S.C. 1715b, 1715w); Section 7(d), Department of Housing and Urban Development (42 U.S.C. 3535(d)).

2. In § 232.560, paragraph (a) is revised to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 10 percent per annum with respect to

mortgages insured on or after May 11, 1987.

* * * * *

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

3. The authority citation for 24 CFR Part 235 continues to read as follows:

Authority: Sections 211, 235, National Housing Act (12 U.S.C. 1715b, 1715z); Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

4. In § 235.9, paragraph (a) is revised to read as follows:

§ 235.9 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 10 percent per annum with respect to mortgages insured on or after May 11, 1987.

* * * * *

5. In § 235.540, paragraph (a) is revised to read as follows:

§ 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed on by the mortgagee and the mortgagor, which rate shall not exceed 10 percent per annum with respect to mortgages insured after May 11, 1987.

* * * * *

Dated: May 8, 1987.

Thomas T. Demery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 87-11070 Filed 5-13-87; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5-87-013]

Drawbridge Operation Regulations; Kent Island Narrows, MD

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: In order to evaluate a suggested change to the drawbridge opening requirements for the U.S. Route 50/301 bridge across Kent Island Narrows, Maryland, contained in CGD5-87-012 (52 FR 17413) dated May 8, 1987.

Temporary deviations from the regulations in 33 CFR 117.561 will be in effect on May 23, 24, and 25, 1987, May 30, 1987, June 13 and 14, 1987, and June 20, 1987. The results of the temporary deviations on the flow of vehicular traffic across the bridge and the impact on marine traffic through the bridge on those weekend days will be evaluated to determine whether the current regulations should be amended.

EFFECTIVE DATE: These regulations become effective on May 23, 24, and 25, 1987, May 30, 1987, June 13 and 14, 1987, and June 20, 1987.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, at Commander (oan), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, or telephone number (804) 398-6222.

Drafting Information: The drafters of these regulations are Ann B. Deaton, project officer, and CDR Robert J. Reining, project attorney.

Discussion of Temporary Regulations: The Maryland Congressional Delegation, the Governor of Maryland, and the Maryland Department of Transportation have petitioned the Coast Guard to amend the regulations for this drawbridge by eliminating the 9 a.m. and 12 noon openings on Saturdays and the 8 p.m. opening on Sundays during the summer months to help ease highway congestion on U.S. Route 50/301.

In order to evaluate this suggested change, temporary deviations from the regulations contained in 33 CFR 117.561 will be in effect on May 23, 24, and 25, 1987, May 30, 1987, June 13 and 14, 1987, and June 20, 1987. These deviations will test the effectiveness of the requested change by eliminating the 9 a.m. and 12 noon openings on May 23 and June 13, 1987, and the 8 p.m. opening on May 24 and May 25, Memorial Day, and June 14, 1987.

On May 30 and June 20, only the 9 a.m. openings will be eliminated, and the other provisions of the current schedule will remain in effect.

On May 31 and June 6, 7, 21, 27, and 28 the current schedule will be in effect.

The results of these tests will be evaluated, and the impacts on highway and marine traffic on these four weekends will be weighed to determine if the requested change will result in a substantial improvement in vehicular traffic flow without unreasonably restricting marine traffic. This information will also be compared to vehicle and marine traffic counts from 1986.

During these test periods, the Maryland Department of Transportation will compile data on vehicle counts, boat counts, time of drawbridge openings, duration of openings, length of vehicle backups, and the reasons for the backups along U.S. Route 50/301 within fifteen miles of the bridge to determine whether the backups are, in fact, as a direct result of drawbridge openings or can be attributed to other causes.

List of Subjects in 33 CFR Part 117

Bridges.

Temporary Regulations

In consideration of the foregoing, the Coast Guard is temporarily amending Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 is revised to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g), 33 CFR 117.43.

2. Section 117.561 is temporarily amended by revising paragraphs (b)(3), (b)(4) and (c) to read as follows:

§ 117.561 Kent Island Narrows.

The draw of the U.S. Route 50/301 bridge, mile 1.0, at Kent Island Narrows, operates as follows:

(a) * * *

(b) From May 1 through October 31:

(1) * * *

(2) * * *

(3)(i) On Saturday, May 23, and Saturday, June 13, 1987, the draw shall open on signal at 6 a.m., and on the hour from 3 p.m. to 8 p.m., but need not be opened at any other time.

(ii) On Saturday, May 30, and Saturday, June 20, 1987, the draw shall open on signal at 6 a.m., 12 noon, and on the hour from 3 p.m. to 8 p.m., but need not be opened at any other time.

(4) On Sunday, May 24, Memorial Day, May 25, and Sunday, June 14, 1987, the draw shall open on signal on the hour from 6 a.m. to 1 p.m., but need not be opened at any other time.

(5) * * *

(6) * * *

(c) The draw shall open on signal for public vessels of the United States, State, or local government vessels used for public safety purposes, commercial vessels, and vessels in distress.

Dated: April 27, 1987.

B.F. Hollingsworth,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 87-11041 Filed 5-13-87; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP San Diego Reg. 87-04]

Security Zone Regulations; San Clemente Island, CA, Pacific Ocean

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a security zone in the vicinity of Wilson Cove, San Clemente Island, California, consisting generally of the water area within 1.5 nautical miles (1.73 statute miles, 2.8 kilometers) of the shoreline of San Clemente Island from Wilson Cove North End Light (LLNR 2565) to Spruce Pier, approximately 4.1 nautical miles (4.7 statute miles, 7.65 kilometers) southeast of Wilson Cove North End Light. This action is taken at the request of the United States Navy and is needed to safeguard U.S. naval vessels and property from sabotage or other subversive acts, accidents, criminal actions, or other causes of a similar nature. Entry into this zone is prohibited unless authorized by the Captain of the Port, San Diego.

EFFECTIVE DATE: June 15, 1987.

FOR FURTHER INFORMATION CONTACT: LCDR Steven P. Mojonnier, USCG, C/O U.S. Coast Guard Captain of the Port, 2710 N. Harbor Drive, San Diego, CA 92101-1064, telephone (619) 293-5860.

SUPPLEMENTARY INFORMATION: On 19 March 1987, the Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** for these regulations (52 FR 8622). Interested persons were requested to submit comments, and no comments were received.

Drafting Information. The drafters of this notice are LCDR Steven P. Mojonnier, project officer for the Captain of the Port, and LCDR Joseph R. McFaul, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Comments: No comments were received on the Notice of Proposed Rulemaking.

This regulation is issued pursuant to 50 U.S.C. 191 as set out in the authority citation for all of Part 165.

Economic Assessment and Certification: These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; 26 February 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The area within the zone is a small area outside the normal shipping channels. The only vessels normally using these waters are U.S. Naval vessels. There will be minimal effect on routine navigation.

Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Final Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 33 CFR 160.5.

2. In Part 165, a new § 165.1111 is added, to read as follows:

§ 165.1111 Security Zone: Wilson Cove, San Clemente Island, California.

(a) *Location.* The following area is a security zone: The water area adjacent to San Clemente Island, California within 1.5 nautical miles (1.73 statute miles, 2.8 kilometers) of the shoreline of San Clemente Island from Wilson Cove North End Light (LLNR 2565) to Spruce Pier, approximately 4.1 nautical miles (4.7 statute miles, 7.65 kilometers) southeast of Wilson Cove North End Light, described as follows:

Starting at a point on the shoreline of San Clemente Island, California, in position 33°01'25.0" N, 118°33'43.0" W, for a place of beginning (point A), thence northeasterly to 33°02'11.0" N, 118°32'13.5" W (point B), thence southeasterly to 32 °58'40.5" N, 118°29'15.5" W (point C), thence southwesterly to 32°57'54.0" N, 118°31'17.2" W (point D), thence northwesterly along the shoreline of San Clemente Island to the place of beginning.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this Part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, San Diego, California. Section 165.33 also contains other general requirements.

Dated: May 5, 1987.

W.L. Loveland,

Lieutenant Commander, U.S. Coast Guard, Alternate Captain of the Port, San Diego, California.

[FR Doc. 87-11043 Filed 5-13-87; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP San Diego Reg. 87-05]

Safety Zone Regulations; San Clemente Island, CA, Pacific Ocean

May 11, 1987.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone in the vicinity of West Cove, San Clemente Island, California, consisting of the water area bounded by the following coordinates and the shoreline of San Clemente Island:

Point A—33°01'38.0" N, 118°36'18.0" W
Point B—33°01'11.0" N, 118°37'25.0" W
Point C—33°00'00.0" N, 118°36'51.0" W
Point D—33°00'00.0" N, 118°34'56.5" W

This action is taken at the request of the United States Navy and is needed to protect persons, vessels and property from hazards associated with naval equipment and operations located or conducted within the zone. Entry into this zone is authorized, but anchoring, fishing, or other similar activities is prohibited unless authorized by the Captain of the Port, San Diego. At certain times, entry into the zone will be prohibited unless authorized by the Captain of the Port, San Diego. Notice of these times will be provided by Coast Guard personnel in the zone.

EFFECTIVE DATE: June 15, 1987.

FOR FURTHER INFORMATION CONTACT: LCDR Steven P. Mojonnier, USCG, C/O U.S. Coast Guard Captain of the Port, 2710 N. Harbor Drive, San Diego, CA 92101-1064, telephone (619) 293-5860.

SUPPLEMENTARY INFORMATION: On 19 March 1987, the Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** for these regulations (52 FR 8623). Interested persons were requested to submit comments, and no comments were received.

Drafting Information: The drafters of this notice are LCDR Steven P. Mojonnier, project officer for the Captain of the Port, and LCDR Joseph R. McFaul, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Comments: No comments were received on the Notice of Proposed Rulemaking.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of Part 165.

Economic Assessment and Certification: These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; 26 February 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The area within the zone is a small area outside the normal shipping channels. A small number of private vessels use these waters occasionally. Entry to the zone will be prohibited infrequently. There will be minimal effect on routine navigation.

Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Final Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 33 CFR 160.5.

2. In Part 165, a new § 165.1112 is added, to read as follows:

§ 165.1112 Safety Zone: West Cove, San Clemente Island, California.

(a) *Location.* The following area is a safety zone: The water area adjacent to San Clemente Island, California bounded by the following coordinates and the shoreline of San Clemente Island:

Point A—33°01'38.0" N, 118°36'18.0" W
Point B—33°01'11.0" N, 118°37'25.0" W
Point C—33°00'00.0" N, 118°36'51.0" W
Point D—33°00'00.0" N, 118°34'56.5" W.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.33 of this Part, entry into the area of this zone is permitted, but anchoring, fishing, and other similar activities are prohibited unless authorized by the Captain of the Port, San Diego, California.

(2) Entry into the area of this zone will be prohibited at certain times. U.S. Coast Guard personnel in the zone will provide notification to the public of the times when entry into the zone is prohibited.

(3) Section 165.33 also contains other general requirements.

Dated: May 5, 1987.

W.L. Loveland,

Lieutenant Commander, U.S. Coast Guard, Alternate Captain of the Port, San Diego, California.

[FR Doc. 87–11042 Filed 5–13–87; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 166

[CGD 85–062]

Shipping Safety Fairways; Gulf of Mexico

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a new shipping safety fairway in the vicinity of Heald Bank in the approach to Galveston, Texas. This action is necessary to permit deep draft vessels to navigate safely around the area off Heald Bank Shoals in the approach to Galveston, Texas. The intended effect of this rule is to enhance navigation safety by providing a corridor free from fixed offshore structures. This final rule implements the results of the port access route study as reported in the **Federal Register** on March 11, 1985 (50 FR 9682).

EFFECTIVE DATE: June 15, 1987.

FOR FURTHER INFORMATION CONTACT: Lieutenant (j.g.) Daphne Reese, Project Manager, Office of Navigation (G–NSS–2), room 1606, U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, DC 20593, (202) 267–0364.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) concerning the shipping safety fairway in this final rule was published on March 6, 1986 (51 FR 7814). Interested parties were given until May 5, 1986, to submit comments. A public hearing was not held.

Drafting Information: The principal persons involved in drafting this rulemaking are: Lieutenant (j.g.) Daphne Reese, Project Manager, and Lieutenant Sandra Sylvester, Project Attorney, Office of Chief Counsel.

Background

The Ports and Waterways Safety Act (PWSA) (33 U.S.C. 1223) authorizes the Coast Guard to designate fairways to allow vessels an area free of fixed structures for safe access to U.S. ports. The regulations governing shipping safety fairways (33 CFR Part 166) provide that fixed offshore structures, temporary or permanent, are not permitted within designated safety fairways, and are only permitted within fairway anchorages if the structures are two miles apart. The Coast Guard has the authority, in accordance with the PWSA, to modify or relocate existing safety fairways to improve navigation safety or to accommodate offshore mineral exploitation and exploration.

The authority to create a fairway may be exercised by the Coast Guard only after a study of potential traffic density and use conflicts has been conducted to determine the need for designated safe access routes for vessels proceeding to and from U.S. ports. One such conflict can occur when vessels navigate in an area which is subject to offshore development. Shipping safety fairways can interfere with the direct exploration for and production of oil and gas on the Outer Continental Shelf (OCS). In conducting a port access route study, the Coast Guard attempts to recognize the minimize each identifiable cost impact as balanced against the needs of safe navigation. The studies which identified the need for this rulemaking were initiated by a notice in the **Federal Register** on March 19, 1984 (49 FR 10127, corrected on April 12, 1984 at 49 FR 14538) and on July 10, 1984 (49 FR 28074). The study results were published in the **Federal Register** on March 11, 1985 (50 FR 9682). The Coast Guard found vessels which would usually be expected to use the Northwest-Southeast leg of the Galveston Entrance Fairway deviated away from the fairway because of shoaling. As a result of this finding, a new deeper draft fairway through Heald Bank was recommended. On March 6, 1985, the Coast Guard published a notice of proposed rulemaking (51 FR 7814), with the specific proposal to establish the Heald Bank Cutoff Fairway.

This rulemaking establishes a new fairway around the area of the Heald Bank Shoals in the approach to Galveston. The fairway connects the Northwest-Southeast leg of the Galveston Entrance Fairway (33 CFR 166.200(d)(10)) with the North-South leg of the fairway. The new fairway will provide a corridor free from fixed structures for deep draft vessel traffic over 30 feet which cannot use the Northwest-Southeast leg of the fairway in the approach to Galveston. The Heald Bank Cutoff Fairway is approximately two miles wide, 125 miles long, approximately 40 miles offshore, and runs generally east-west. The fairway

totally or partially includes the following blocks as described by the Minerals Management Service (MMS): High Island Area Blocks A–40, to A–48, A–51 to A–59, A–61, A–67 to A–68, A–70 to A–80, A–212 to A–214, and A–219 to A–223.

When the NPRM for this rulemaking was drafted only one eighth of one *leased* block (High Island Area Block A–45) was indentified as being directly affected by the fairway. High Island Area Block A–45 was leased after the notice of study (49 FR 10127) for this rulemaking was published on March 19, 1984. Subsequent to the publishing or the NPRM, the Coast Guard was notified of five additional *leased* blocks (High Island Blocks A–51, A–52, A–53, A–74, A–75) directly affected by the fairway. The five blocks were leased after the notice of study and also after the notice of study results (50 FR 9682) for this rulemaking were published on March 11, 1985.

The PWSA stipulates development of tracts leased after the announcement of a study be in accordance with future fairway restrictions (33 U.S.C. 1223(c)(2)).

Discussion of Comments

Four comments were received in response to the NPRM. Two of the comments were strongly in favor of the proposal in the NPRM; one comment suggested changes in the geographical positions for the fairway as published in the NPRM; and one comment was strongly opposed to the fairway being established. The two comments in favor of the proposal in the NPRM were from maritime trade associations. Their comments stated "The Heald Bank Cutoff Fairway would provide an access route free from fixed offshore structures, provide an increased level of navigation safety for deep draft vessels, and preserve future safe access into Galveston, Houston, and Texas City."

The comment suggesting changes in the geographical positions was from a land surveyor who furnishes lease developers with maps and plots for the actual physical location of rigs, platforms, and pipelines. The comment suggested changes in the positions given in the NPRM for the new fairway in order to give a more exact match up of where the new fairway meets the two existing fairways. Therefore, any future plotting of lease sites, pipeline, etc, would show the most precise boundaries of the fairway possible. The geographical positions suggested in the comments were in degrees and minutes, with the seconds expressed to the third decimal place.

Presently, all fairways in 33 CFR Part 166 are described only in degrees, minutes, and seconds. While the Coast Guard recognizes the values of a greater degress of refinement for the siting of structures and pipeleines, present descriptions have proved adequate for the charting of fairways by the National Ocean Service and for use by vessels. The Coast Guard is not aware of any significant conflicts resulting from the degree, minutes, seconds description. In situations where a potential conflict exists (fairway junctions), the Coast Guard has made an effort to use identical positions of latitude and longitude at the point where fairways join. Therefore, the Coast Guard will not change the geographical positions contained in the notice of proposed rulemaking.

The comment strongly opposed to the NPRM was from Mobile Producing Texas and New Mexico Inc., (MPTM). MPTM objected because they have five blocks, leased after the notice of study results for this rulemaking, which would be adversely affected by the Heald Bank Cutoff Fairway. MPTM comments state they have identified an exploration prospect on their leases which "would not be amenable to development by directional drilling." MPTM considers the economic impact of the rulemaking too great and the navigation safety interest too small to implement the proposed fairway. MPTM raised several questions with regard to projections for expected vessel use of the fairway. The questions include: (1) How many deep-draft vessels visit the Port of Houston/Galveston? (2) How many of the above deep-draft vessels use the Northwest-Southeast leg of the Galveston Entrance Fairway? (3) How much average time would be added to a ship's voyage using the North-South leg of the fairway instead of the Northwest-Southeast leg of the fairway and what would be the appropriate cost? (4) Who owns the vessels using the area? (5) What has been the forecast of the expected number of vessels that would require a deep-draft fairway? (6) Has the forecast been accurate, or has the recent recession caused a falloff in the number of such vessels using the Port of Galveston? (7) Should the estimate of ship visits be re-estimated in light of experience since the first study was made in 1984?

The Coast Guard considered the comments by MPTM and completely evaluated all issues and questions raised. The Coast Guard and the Minerals Management Service (MMS) issued adequate notices of the proposed fairway prior to lease sale 82, from which the MPTM's blocks were purchased. Under the PWSA (33 U.S.C. 1223) the Coast Guard cannot interfere with the effective exercise of a lease right granted prior to the time a port access route study is announced. MPTM obtained their blocks not only after the date of the study notice (49 FR 10127, March 1984 and 49 FR 28074, July 10, 1984), but also after the date of the notice of study results (50 FR 9682, March 11, 1985) which gave full disclosure of Coast Guard intentions to pursue rulemaking on the Heald Bank Cutoff Fairway. MPTM, as well as other potential bidders, were also given notice of the proposed fairway, its implications, and the specific blocks affected by it, in the MMS Notice of Sale and information to Bidders for lease sale 82 (50 FR 27798, July 5, 1985).

Based on the above sequence of events, MPTM would be presumed to have known of the proposed fairway at the time of the lease sale. Indeed, it is presumed that the amounts bid on the blocks were affected by the limited occupancy rights of the proposed fairway. It would therefore be unfair to others who bid under the presumption of possible fairway restrictions and limited occupancy rights to shift the fairway at this time. Given the lengthy and complex process involved in establishing a new fairway or fairway anchorage, it would be very difficult to complete the process if it was halted every time a lessee so requested. Such uncertainty in the rulemaking process would also affect future lease sales in areas in which the Coast Guard would be obligated to announce a study into the need for an alternate fairway. For the Coast Guard to operate in accordance with the PWSA and rulemaking process fairly without confusing the public and without making the process interminable, it must be able to rely on a status quo in leasing activity at the time a proposal is published. Reliance on the status quo and fairness also precludes the Coast Guard from shifting or altering a fairway so as to deprive other leaseholders of their rights. The Coast Guard must also rely on comments submitted during the study by the public and affected government agencies. Indeed, MPTM's comments on alternate configurations for a deep draft fairway during the initial study were influential in the development of the fairway proposal now being implemented.

The following are answers to MPTM's questions on expected vessel use of the fairway.

a. How many deep-draft vessels visit the Port of Houston or Galveston?

Selected 1985/1986 deep draft figures:

	Over 30 feet	
	Inbound	Outbound
March 1985	115	130
June 1985	92	112
Sept 1985	89	108
Dec 1985	110	126
March 1986	96	114
June 1986	112	110

Percentages were used in the notice of study results (50 FR 9683, March 11, 1985) for inbound/outbound vessels having a draft greater than 30 feet. The records of the Houston/Galveston Vessel Traffic Service (VTS) for years 1983 and 1984 reported 27% of the traffic to be deep draft inbound and 34% of the traffic to be deep draft outbound. In 1985 and in the first half of 1986, 30% of the inbound vessels and 39% of the outbound vessels in the approach to Galveston had drafts greater than 30 feet.

b. How many of the above deep draft vessels use the Northwest-Southeast leg of the Galveston Entrance Fairway?

Although no accurate number of deep-draft vessels using the fairway could be determined, Exxon and West Gulf Maritime report regular use the Northwest-Southeast leg of the fairway for their deep-draft and other vessels because it is the most direct route. In fact, some deep-draft, outbound vessels use the North-South leg of the fairway until they pass the Heald Bank Shoals and then cut across open water to continue their voyage using the Northwest-Southeast leg of the fairway. This substantiates earlier study results concluding the Heald Bank Cutoff Fairway is needed "to decrease the risk of environmental damage and provide deep-draft vessels with an established route where structures will not be permitted, allowing for safer maritime navigation."

c. How much average time would be added to a ship's voyage using the North-South leg of the Galveston Entrance Fairway instead of the Northwest-Southeast leg of the fairway and what would be the approximate cost?

Using the North-South leg of the fairway in lieu of the Northwest-Southeast leg of the fairway adds approximately 47 nautical miles, or about three hours to a voyage. Considering there are numerous variances to vessel operating costs including the vessel's size, draft, type of propulsion, whether operator owned or chartered, and tidal constraints (that is, a deep-draft vessel may only be able to moor at a dock during high tide), this cost difference could be anywhere between $1,250 and $7,500 per voyage. (Based on an estimated operating cost variance between $10,000 and $16,000 per day.)

d. Who owns the vessels using the area?

Ownership of these vessels and benefits derived are not a consideration of the study or the proposed rules. Ownership is of little consequence to the Houston/Galveston communities who are the ultimate benefactors of both vessel commerce and offshore mineral exploration and exploitation. What is at issue is the safe, unobstructed passage of vessels in the approach to Galveston.

e. What has been the forecast of the expected number of vessels requiring a deep-draft fairway?

Have such forecasts been accurate, or has the recent recession caused a falloff in the number of such vessels using the Post of Galveston? Should the estimate of ship visits be re-estimated in light of experience since the first study publication was made in 1984?

The forecast had been for an increase in the expected number and percentage of deep draft vessel traffic. The current trend of vessel owners and operators in and out of the Houston and Galveston complex is to continue to use the most direct and safest route. For statistical purposes the *total* number of inbound/outbound vessels decreased 9% and 18%, respectively, between the periods of survey in 1983/1984 and 1985/1986. The decline in the total number of deep draft vessels reflects the current depressed state of the oil/shipping industry. Yet, as noted in paragraph (a.) above, the percentage of deep-draft vessels increased. In keeping with the trend of an increase in the percentage of deep draft shipping and the economies it provides and based on VTS recent estimates, the forecast continues to be an increased percentage of deep-draft vessels through the Houston/Galveston complex. The Heald Bank Cutoff Fairway will, therefore, ensure an area free from fixed offshore structures for the safe passage of vessel traffic in anticipation of increased development as mandated by the PWSA.

The Heald Bank Cutoff Fairway is necessary to ensure safety of navigation. The Coast Guard examined the existing fairway in the approach to Galveston on the advice of the Houston/Galveston Navigation Safety Advisory Committee. In 1983, the Committee advised the Coast Guard there was a shoaling problem in the vicinity of Heald Bank, and the Eighth Coast Guard District conducted a study of the situation in 1984. The study included the four fairway approaches to Galveston. The northwest-southeast leg of the Galveston Entrance Fairway (33 CFR 166.200(d)(10)) is the most direct route for the majority of traffic using the Houston/Galveston port complex. Within this fairway there is an area of shallow water (approximately 34 feet). The Coast Guard estimates 27% of the inbound vessels and 34% of the outbound vessels on this route have drafts greater than 30 feet. Many of these vessels leave the fairway to avoid the shallow water and navigate where they have greater under-keel clearance. Upon leaving the fairway to avoid shoal water, vessels face the risk of collision with structures. Since the announcement of the study, MPTM and other companies have leased blocks in the area with the intent of development. As the area around Heald Bank is leased, explored, and developed, maneuvering among structures will become increasingly difficult. Therefore, the Heald Bank Cutoff Fairway is necessary to provide deep draft vessels with an established route where structures will not be permitted and to decrease the risk of environmental damage and to provide for safer maritime navigation.

Finally, MPTM stated in their comments, "the five affected leased blocks would not be amenable to development by directional drilling." MPTM also provided information in their comment on the potential value of the natural gas reserves, if they exist, and the expected royalty over the life of the leased blocks. The Coast Guard examined several alternative configurations during the study of the area involved and made every attempt to lessen the impact on lease blocks in the area and to anticipate areas of future development. Neither MMS nor MPTM indicated during the study any area which was particularly desirable for mineral exploitation; any mineral resources which would be inaccessible if the fairway was established; or any expected loss of revenue. MMS has not identified any area which could not be technically or financially exploited by directional drilling. MPTM's comment indicated their leases "would not be amenable to directional drilling." The Coast Guard is unable to substantially evaluate or verify MPTM's claim based solely on their comment or the information presently offered by MMS.

If MPTM determines resources exist within their leased blocks and are convinced their needs cannot be reasonably accommodated because of fairway restrictions, they may request the Coast Guard to consider an adjustment to the fairway after it has been established. Another port access

route study may be performed to determine whether the fairway is effectively fulfilling its purpose, and whether a modification to accommodate another use of the area is warranted. Further guidance and information on this situation was discussed in detail in the study results supporting this rulemaking (March 11, 1985, 50 FR 9682). Based on a thorough review of the need for our original proposal and an evaluation of all the comments to the NPRM, the Coast Guard believes the shipping safety fairway in the vicinity of Heald Bank is necessary and should be established as originally proposed.

Regulatory Evaluation

This rulemaking will not have adverse environmental impact. To the contrary, the risk of environmental damage will decrease if the rule is implemented because deep draft vessels will have an established access route where structures will not be permitted, allowing for safer maritime navigation. While there is potential energy impact for this rulemaking little verifiable impact can be determined from the available information.

The fairway was designed to have the least adverse impact upon future blocks and present leaseholders, as compared to several other alternatives considered during the study. The impact on future blocks leased was lessened by limiting the width of the fairway to two miles and by giving timely information to notify bidders of lease restrictions which would apply to blocks leased within the fairway. As indicated above, there is one leased block in the fairway which was leased after the date of the study notice and five leased blocks leased after the date of the study results. The new fairway may interfere with direct exploration and production of oil and gas in those portions of the leased blocks within the designated fairway area.

In circumstances where the Coast Guard is convinced fixed structures must be placed in an area designated as a fairway to gain access to significant quantities of oil or gas, and navigation safety would not be jeopardized by a modification of that fairway, a request for adjustment would be given appropriate consideration in accordance with the PWSA and rulemaking procedures. In most cases, a fairway modification will require a PWSA port access study before rulemaking can be commenced.

This regulation is considered to be non-major under Executive Order 12291 and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). This designation will contribute to navigation safety without significantly interfering with development of the OCS. The economic impact of this regulation has been found to be minimal and further evaluation is unnecessary. Since the impact of this rulemaking has been found to be minimal, the Coast Guard certifies it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 166

Anchorage grounds, Marine safety, Navigation (water), Waterways, Shipping safety fairways.

In consideration of the foregoing, Part 166 of Title 33 Code of Federal Regulations is amended as follows:

PART 166—SHIPPING SAFETY FAIRWAYS

1. The authority citation for Part 166 continues to read as follows:

Authority: 33 U.S.C. 1223; 49 CFR 1.46(n)(4).

2. Section 166.200 is amended by adding a new paragraph (d)(53) to read as follows:

§ 166.200 Shipping safety fairways and anchorage areas, Gulf of Mexico.

* * * * *

(d) * * *

(53) Heald Bank Cutoff Safety Fairway. The area enclosed by rhumb lines, [North American Datum of 1927 (NAD–27)], joining points at:

Latitude	Longitude
28°57'15" N	94°23'55" W
28°51'30" N	93°56'30" W
28°48'30" N	93°51'45" W
28°55'15" N	94°23'55" W

Dated: April 14, 1987.

A.B. Smith,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation, By direction of the Commandant.

[FR Doc. 87–11044 Filed 5–13–87; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Ouachita and Black Rivers, Arkansas, and Louisiana

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The U.S. Army Corps of Engineers is amending the regulations in 33 CFR 207.249 and 207.250, which governs the use, administration, and navigation of the Ouachita and Black Rivers, Arkansas, and Louisiana. These revisions are necessary to:

a. Advise the waterway users that the 9-foot draft navigation channel is extended to Mile 338.0, Ouachita River;

b. Correct description of visual signals on lock structures;

c. Delete § 207.250 which is no longer applicable to the upper Ouachita River.

EFFECTIVE DATE: May 14, 1987.

ADDRESS: Hqusace (DAEN–CWO–M), Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Tohlen, phone number (202) 272–0245.

SUPPLEMENTARY INFORMATION: The Corps of Engineers Vicksburg District has recently completed impoundment of a 9-foot draft navigation project from Mile 237.0 to Mile 338.0, Ouachita River. This project involved replacement of the remaining wicket-type navigation structures on the river with modern high-lift locks and dams. The provisions of § 207.250 pertain to the use and operation of the wicket-type structures. The provisions of § 207.249 apply to the high-lift locks and dams. Since the Black-Ouachita River System now contains only the high-lift structures, the regulations within 33 CFR Part 207 should be consolidated by expanding the limits of § 207.249 through Ouachita River Mile 338.0 (Camden, Arkansas) and by deleting § 207.250. The Corps of Engineers Vicksburg District, by issuing written navigation notices, has informed waterway users that the wicket-type structures have been removed and the high-lift facilities have been placed into operation. Reference § 207.249, paragraph (b) (3) (iii). This paragraph indicates that the visual signals contain an amber light to indicate when the lock chamber is being made ready for use. Since the visual signals on the Black-Ouachita River System contain only red and green lights, subparagraph (b) (3) (iii) should be deleted. No other revisions are necessary regarding visual signals. Pursuant to the administration procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest because this amendment is nonsubstantive and imposes no new requirements. It merely removes obsolete regulations from 33

CFR Part 207. Through various navigation notices, the user public has been informed of the new navigation structures on the Ouachita River.

Note.—The Secretary of the Army has determined that this document does not contain a major rule requiring a regulatory impact analysis under Executive Order 12291 because it will not result in an annual effect on the economy of $100 million or more and it will not result in a major increase in costs or prices. The SA certifies that this rule will not have a significant economic impact on a substantial number of entities and thus does not require the preparation of a regulatory flexibility analysis.

Lists of Subjects in 33 CFR Part 207

Navigation, Navigable waters, Waterways.

Dated: May 4, 1987.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

33 CFR Part 207 is amended as follows:

PART 207—[AMENDED]

1. The authority citation for Part 207 continues to read as follows:

Authority: 40 Stat. 266; 3 U.S.C. 1.

2. In part 207, § 207.249 is amended by revising the heading to read as set out below and by removing (b) (3) (iii) and redesignating (b) (3) (iv) as (b) (3) (iii):

§ 207.249 Ouachita and Black Rivers, Arkansas and Louisiana, Mile 0.0 to Mile 338.0 (Camden, Arkansas) above the mouth of the Black River; use, administration, and navigation.

* * * * *

§ 207.250 [Removed]

3. Section 207.250 is removed.

[FR Doc. 87-10747 Filed 5-13-87; 8:45 am]
BILLING CODE 3710-08-M

Proposed Rules

Federal Register
Vol. 52, No. 93
Thursday, May 14, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

8 CFR Part 204

[INS Number: 1012-87]

Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Filing of Occupational Preference Petitions

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed Rule.

SUMMARY: This rulemaking proposes to change the method by which a third preference or sixth preference priority date is established. Under regulations which have been in effect since June 20, 1986, a priority date established by the submission of a request for labor certification is lost if the immigrant visa petition seeking third or sixth preference classification is not filed within 60 days of the date of issuance of the certification, or if the petition is not resubmitted within 60 days of being returned to the petitioner for additional information. The current regulations were promulgated in order to prevent certain abuses which existed under the prior regulations. However, the enactment of the Immigration Reform and Control Act of 1986 (IRCA) on November 6, 1986 made the June 20 changes superfluous, since IRCA more effectively prevents the same abuses.

DATE: Written comments must be submitted on or before June 15, 1987.

ADDRESS: Please submit comments in duplicate to the Director, Office of Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Room 2011, Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: Michael L. Shaul, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: Under section 212(a)(14) of the Immigration and Nationality Act ("the Act"), 8 U.S.C. 1182(a)(14), certain aliens may not obtain an immigrant visa for entry into the United States to engage in permanent employment unless the Secretary of Labor has issued a labor certification stating that there are not sufficient workers who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place where the alien is to perform the skilled or unskilled labor, and that the employment of these aliens will not adversely affect the wages and working conditions of similarly employed workers in the United States.

There are three alien immigrant classifications which require a labor certification. These are the third and sixth preference, and under various circumstances, nonpreference classifications (sections 203(a)(3), 203(a)(6) and 203(a)(7) of the Act, 8 U.S.C. 1153)). For third and sixth preference applicants, labor certification applications are filed by employers with a state employment service office unless the alien's occupation is a Schedule A occupation (already certified by the Secretary of Labor as in short supply in the United States). If a labor certification is issued or the beneficiary's occupation is on Schedule A, the employer (prospective or current) submits an immigrant visa petition to a district office of the Service. Section 203(c) of the Act (8 U.S.C. 1153(c)) provides that visas will be issued under section 203(a) (1) through (6) to eligible immigrants in the order in which a petition is filed on behalf of each of these immigrants with the Attorney General as provided in section 204 of the Act, (8 U.S.C. 1154). If a preference immigrant visa number is immediately available when the petition is approved, the alien beneficiary may be issued an immigrant visa with which to enter the United States for permanent residence or, under certain circumstances, may be permitted to adjust status to that of a permanent resident. If a preference immigrant visa number is not available at the time the petition is approved, the alien's name is instead placed on a waiting list. Petitions are then processed for permanent residence status by date filed. Thus, the filing date has come to be known as the "priority date".

Over the years, the priority date has been computed in different ways at different times. Originally the priority date was based strictly on the date the visa petition was filed with the Service after issuance of the certification by the Department of Labor (DOL). However, because there were varying backlogs and processing times among the offices of the DOL's employment service system, some individuals were able to file the petition earlier than others. Accordingly, in order to eliminate what was seen as an unfair advantage enjoyed by some, the method of computation was changed so that the date that a labor certification request was filed with the local office of the state employment service became the priority date. This method created an opportunity for abuse by those employers and aliens who would obtain a labor certification but not file the I-140 petition until a visa number became available, thereby hiding the illegal alien from the attention of the Service. Accordingly, on June 20, 1986, the regulation was again changed to require that the petitioner file the petition within 60 days of the issuance of the labor certificate, or resubmit the petition within 60 days of the date it was returned for additional information or documentation, in order to retain the priority date. If the petition were not submitted or resubmitted within the allotted period, the date of submission or resubmission would be the new priority date.

On November 6, 1986 the Immigration Reform and Control Act of 1986 (IRCA) became law. By providing for sanctions to be imposed against employers who hire aliens who are not authorized to accept employment in the United States, IRCA removes the incentives for abuse which necessitated the regulatory change of June 20, 1986. With these incentives removed, requiring that petitions be submitted or resubmitted within 60 days becomes disadvantageous to both the Service and the public. Accordingly, the Service now proposes to restore the procedure which was in effect prior to June 20, 1986.

Additionally, the proposed rulemaking provides that a priority date shall only be established in the case of a third or sixth preference petition for an occupation listed in Schedule A (20 CFR 656.10) if the petition is approved. If the petition is denied, no priority date is established. The proposed rule thereby clarifies an issue which has caused

considerable confusion in the past as to whether a Schedule A labor certification could be established if the petition is denied. Because no separate adjudication is performed on the request for labor certification, and no separate notification is made to the petitioner or the beneficiary as to the decision on the request for labor certification, the certification cannot be considered to have been issued unless and until the petition is approved.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule would not, if promulgated, have a significant adverse economic impact on a substantial number of small entities.

This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 204

Administrative practice and procedure, Aliens, Petitions.

Accordingly, Chapter I of Title 8, Code of Federal Regulations, is amended as follows:

PART 204—[AMENDED]

The authority citation for Part 204 continues to read as follows:

Authority: Secs. 101, 103, 201, 203, 204, 212, 245.; 66 Stat. 166, 173, 175, 178, 179, 182, 217; 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1255.

2. In § 204.1, paragraph (d)(2) is revised to read as follows:

§ 204.1 Petition.

* * * * *

(d) * * *

(2) *Filing date.* In the case of a third or sixth preference petition (except for an occupation listed in Schedule A), the filing date of the petition within the meaning of section 203(c) of the Act will be the date the request for certification was accepted for processing by any office within the employment service system of the Department of Labor. If a third or sixth preference petition for an occupation listed in Schedule A is approved, the filing date of the petition shall be the date it is properly filed with the appropriate Service office. If a third or sixth preference petition for an occupation listed in Schedule A is not approved, no priority date shall be established.

* * * * *

Dated: April 22, 1987.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 87-10996 Filed 5-13-87; 8:45 am]

BILLING CODE 4410-10-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-24428; File No. S7-16-87]

Exemption of Certain Foreign Government Securities Under the Securities Exchange Act of 1934 for Purposes of Futures Trading

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments and solicitation of public comments.

SUMMARY: The Commission proposes for comment a rule amendment that would designate securities issued by any country with outstanding long-term sovereign debt rated in one of the two highest rating categories by at least two nationally recognized statistical rating organizations as "exempted securities" for purposes of the marketing and trading in the United States of futures contracts on that government's securities. The release also purposes for comment an alternative amendment under which the government securities of Australia, France and New Zealand would be added to the list of exempted securities for purposes of futures trading.

DATE: Comments should be submitted by June 15, 1987.

ADDRESSES: All comments should be submitted in triplicate and addressed to Jonathan G. Katz, Security, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 All comments should refer to File No. S7-16, and will be available for public inspection at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: David L. Underhill, Esq., 202/272-2375, Division of Market Regulation, Securities and Exchange Commission, Room 5186 (Mail Stop 5-1), 450 Fifth Street, NW., Washington, DC. 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

Under the Commodity Exchange Act ("CEA"), futures trading on individual securities is prohibited unless the underlying security is an exempted security under the Securities Act of 1933 ("Securities Act") or the Securities Exchange Act of 1934 ("Exchange Act"). The Securities and Exchange Commission ("SEC" or "Commission"), however, adopted and later amended Rule 3a12-8 ("Rule") under the Exchange Act to designate British, Canadian and Japanese government debt obligations as exempted securities under the Exchange Act solely for purposes of marketing and trading futures on those securities in the United States.[1] In effect, the designation of those securities as "exempted securities" removes the CEA's prohibition against marketing or trading futures on those securities in the United States, so long as the other terms of the Rule are satisifed. The commission today purposes two amendments to the Rule.

The first purposed amendment would extend the class of securities exempted under the Rule, for purposes of permitting the sale and trading of futures contracts on those securities in this country, to securities issued by any country with outstanding long-term sovereign debt rated in one of the two highest rating categories by at least two nationally recognized statistical rating organizations ("NRSROs").[2] An alternative amendment would add the debt securities of Australia, France and New Zealand to the list of those countries the debt obligations of which are exempted by the Rule. Under either proposal, to quality for the exemption, futures contracts on a country's securities would have to meet all the other existing requirements of the Rule.

II. Background

The CEA, as amended by the Futures and Trading Act of 1982,[3] prohibits the trading of futures contracts on individual securities unless those securities qualify as exempted securities under section 3 of the Securities Act or section 3(a)(12) of the Exchange Act.[4]

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[1] Under the Rule, trading in the U.S. of futures on government securities exempted by the Rule is permitted only on a board of trade.

[2] An NRSRO is a professional rating service that specializes in analyzing and assigning ratings from an established scale or range to a variety of corporate and sovereign debt issues. Those ratings are based on the rating organziation's assessment of the issuer's capacity to pay interest and repay principal in acordance with the rated debt instrument's terms. The following organizations presently are considered NRSROs, as that term is used in the Exchange Act's net capital rule [17 CFR 240.15c3-1(c)(2)(vi)(F)]: Duff and Phelps, Inc.; Fitch Investors Services, Inc.; Moody's Investors Services, Inc. ["Moody's"]; McCarthy, Crisanti & Maffei; and Standard and Poor's Corporation ("S&P").

[3] Pub. L. No. 97-444, 96 Stat. 2294, 7 U.S.C. 1 *et seq* (1984).

[4] Section 2(a)(1)(B)(v) of the CEA, 7 U.S.C. 2a(v) (1984), provides that "[n]o person shall offer to enter into, or confirm the execution of any contract of sale (or option on such contract) for future delivery of any security, or interest therein or based on the value thereof, except an exempted security under section 3 of the Securities Act . . . or section 3(a)(12) of the . . . Exchange Act. . . ."

Because foreign government securities are not exempted securities under either of these sections, the CEA prohibition against trading futures on individual securities prevents the marketing and trading of futures on such foreign government securities in this country. Section 3(a)(12) of the Exchange Act, however, provides that the term "exempted security" includes

> such other securities . . . as the Commission may, by such rules and regulations as it deems consistent with the public interest and the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply to an "exempted security" or to "exempted securities."

In March 1984 pursuant to section 3(a)(12) under the Exchange Act, the Commission promulgated Rule 3a12–8.[5] The Rule currently designates British, Canadian and Japanese government securities that meet certain conditions as "exempted securities" under the Exchange Act.[6] The purpose of the Rule is to permit certain foreign, exchange-traded futures contracts on the designated securities to be marketed and traded in the United States.[7] Under the Rule, British, Canadian Japanese government debt securities are considered exempted securities under the Exchange Act only with respect to futures trading on those securities and provided that: (1) The securities are not registered in the United States; (2) the futures contracts require delivery outside the United States; and (3) the futures contracts are traded on a board of trade.[8]

III. Discussion

Rule 3a12–8 was promulgated in response to Congress' understanding, in approving the 1982 amendments to the CEA, that neither the SEC nor the Commodity Futures Trading Commission had intended to bar United States marketing of British gilt futures [9] and that administrative action would be taken to allow the sale of these futures contracts in this country.[10] By promulgating the Rule, the Commission implemented Congress' intent without abandoning the longstanding policy of subjecting foreign government securities marketed and traded in the United States, for most purposes, to the requirements of the federal securities laws. Accordingly, the conditions set forth in the Rule are designed to ensure that a domestic market in unregistered foreign government securities does not develop and that futures markets in these instruments are not used to avoid the registration requirements and other provisions of the federal securities laws.

At the time the Commission originally proposed Rule 3a12–8, it recognized that, should the securities of additional governments become subject to futures trading, it could become necessary to amend the Rule to include those securities.[11] Subsequently, the Commission amended the Rule to include Japanese government debt. Currently, the Sydney Futures Exchange is trading futures on Australian bonds, the Marche a Terme d'Instruments Financiers [12] is trading futures on French bond contracts, and New Zeland bond futures are being traded on the New Zealand Futures Exchange. The Commission has been informed that United States citizens, especially institutional investors, are interested in trading these new products and has received requests that Rule 3a12–8 be amended.[13]

As the world's securities markets become increasingly internationalized, the Commission expects to receive additional petitions for exemptive relief. As an alternative to continuing to amend the Rule on a country by country basis, the Commission today is proposing to amend subsection (a)(1) of Rule 3a12–8 by adding to the list of designated foreign government securities under the Rule the unregistered debt obligations of any government with outstanding long-term sovereign debt rated in one of the two highest rating categories (within which they may be sub-categories or gradations indicating relative standing) by at least two NRSROs.[14]

The two U.S. entities that currently rate foreign sovereign debt, Moody's and S&P, currently rate only "external" debt, *i.e.*, debt that is sold outside the issuing country and typically is denominated in a currency other than that of the issuing country. The Rule, as proposed, would exempt all debt issued by a country that meets the rating category test, whether internal or external and whether long- or short-term.

In proposing to extend to the debt securities of additional countries the exemption afforded by the Rule, the Commission believes initially that there are no major differences between the government securities of countries issuing sovereign debt rated in one of the two highest rating categories [15] by at least two NRSROs (including Australia, France and New Zealand) and the securities of Great Britain, Canada and Japan so as to justify a different regulatory response. Like the sovereign debt of Great Britain, Canada and Japan, debt securities of countries with debt rated in one of the two highest rating categories are more likely to have an active and liquid secondary trading market. Restricting the Rule to the two highest rating categories would ensure that futures on thinly-traded sovereign debt would not be used as a subterfuge to market or trade the unregistered foreign debt in the United States.[16]

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[5] *See* Securities Exchange Act Release Nos. 20708 ("Adopting Release"), March 2, 1984, 49 FR 8595 and 19811 ("Proposal Release"), May 25, 1983, 48 FR 24725.

[6] As originally adopted, the Rule applied only to British and Canadian government securities. *See* Adopting Release, *supra* note 5. The Rule was amended to include Japanese government securities. Securities Exchange Act Release No. 23423, July 11, 1986, 51 FR 25996.

[7] As discussed above, without this designation the trading of futures on these securities in the United States would be prohibited by section 2(a)(1)(B)(v) of the CEA.

[8] A requirement that the board of trade be located in the country that issued the underlying securities was eliminated. *See* Securities Exchange Act Release No. 24209, March 12, 1987, 52 FR 8875.

[9] *See* Proposal Release, *supra* note 5, 48 FR at 24725 [citing 128 Cong. Rec. H7492 (daily ed. September 23, 1962) (statements of Representatives Daschle and Wirth)].

[10] In extending the exemption to futures on Canadian government bonds and bills and then to futures on Japanese yen bonds, the Commission noted that there did not appear to be any legal or regulatory reason for treating them differently from British gilt futures contracts.

[11] *See* Proposal Release, *supra* note 5, 48 FR at 24726–27.

[12] The Marche a Terme d'Instruments Financiers is a financial futures exchange established in Paris in February 1986.

[13] *See* letters from Philip McBride Johnson, Skadden, Arps, Slate, Meagher & Flom, to Richard G. Ketchum, Director, Division of Market Regulation, SEC, dated August 20, 1986 (Australia), October 1, 1986 (New Zealand), and February 26, 1987 (France); and letter from Eugene W. Boehringer, Managing Director, First Boston Corporation, to Richard G. Ketchum, Director, Division of Market Regulation, SEC, dated October 1, 1986 (France).

[14] The Commission believes preliminarly that it is more appropriate to rely on long-term (*i.e.*, more than 365 days to maturity) sovereign debt ratings, because they are broken down into a greater range of rating categories and cover more debt issues. In addition, most of the foreign futures contracts that would be covered by the Rule amendment overlie long-term debt obligations.

[15] The two highest rating categories of Moody's (Aaa and Aa) and S&P (AAA and AA) comprise what generally are known as "high grade" bonds. S&P asserts that its two highest rating categories differ only to a small degree and that both categories represent debt with a very strong capacity to pay interest and repay principal. *See, e.g., S&P International CreditWeek*, December 1986, at 55. According to Moody's, debt rated in its third highest category (A) is considered "'upper-medium-grade.'" Such debt has a strong capacity to pay interest and repay principal, but factors may be present which suggest a susceptibility to impairment some time in the future. *See, e.g.*, Moody's, *Sovereign Ratings*, August 22, 1986.

[16] The use of a debt rating standard would not preclude countries other than those coming under

Continued

According to the most recent Moody's and S&P ratings, the countries that come under the two highest rating categories are Australia, Austria, Denmark, Finland, France, the Netherlands, New Zealand, Norway, Sweden, Switzerland, and West Germany, as well as Great Britain, Canada, and Japan.[17]

The Commission further proposes, however, an alternative amendment that would simply add the securities of Australia, France and New Zealand to the list of debt obligations exempted by the Rule. As noted above, the Commission has received requests on behalf of futures exchanges located in these countries to allow sales to U.S. investors of futures based on each country's sovereign debt. Again, the Commission believes that futures on debt obligations issued by these countries should be accorded the same regulatory treatment accorded futures on the government securities of Canada, Great Britain and Japan.

Under either proposal, the existing conditions set forth in the Rule (*i.e.*, that the underlying securities not be registered in the U.S., that the futures contracts require delivery outside the U.S., and that the contracts be traded on a board of trade) would continue to apply. This should ensure that a domestic market in unregistered foreign sovereign debt of newly-designated countries does not develop.

The Commission seeks comments on a number of issues related to its proposal. First, the Commission encourages comments on the feasibility of a rule based on sovereign debt ratings. In particular, the Commission requests comments on the proper functioning of the Rule in the event that a qualified government issuer's rating falls below the two highest rating categories.[18] In this connection, commentators are asked to consider whether all or just a portion of a government's rated debt issues should be required to meet the rating standard in order for that country to qualify under the Rule.[19] In addition, commentators should consider whether a standard other than sovereign debt ratings would be appropriate as a basis for designation as an exempted security. For example, would a standard based on the volume and depth of trading in the sovereign debt be an easier or more accurate standard to use than debt ratings? If so, what sources of information are readily available to obtain reliable measurements of such trading activity?

The Commission also solicits comments on the desirability of an alternative amendment adding Australia, France and New Zealand to the Rule's list of eligible countries. In addition, the Commission requests comments on whether, under either proposal, the information available in English regarding the newly-eligible futures contracts and underlying sovereign debt would be adequate to permit U.S. investors to make informed investment decisions.[20] Finally, commentators may wish to discuss whether there are any legal or policy reasons for determining that the sovereign debt futures that would qualify under the proposed amendments should not be accorded the same treatment in the United States as British, Canadian and Japanese sovereign debt futures under Rule 3a12–8.

IV. Cost/Benefit Analysis

There are virtually no costs associated with the proposed amendment, which imposes no record-keeping or compliance burden in itself and merely provides an exemption under the federal securities laws. The principal benefit associated with the amendment is that it would allow U.S. boards of trade and investors to trade a greater range of futures contracts on foreign government debt. The Commission solicits comments on the costs and benefits of the proposed amendment to Rule 3a12–8.

V. Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that the amendment proposed herein would not, if adopted, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

VI. Text of the Proposed Amendment

The Commission is proposing to amend Part 240 of Chapter II, Title 17 of the Code of Federal Regulations as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for Part 240 is amended by adding the following citation:

Authority: Sec. 23, 48 Stat. 901, as amended; 5 U.S.C. 78w. * * * Section 240.3a12–8 also issued under 15 U.S.C. 78a *et seq.*, particularly secs. 3(a)(12), 15 U.S.C. 78c(a)(12) and 23(a), 15 U.S.C. 78w(a). * * *

2. Alternative A:

Section 240.3a12–8 is amended by removing the word "or" from (a)(1)(ii), replacing the peirod with a semi-colon and adding the word "or" to (a)(1)(iii), and adding paragraph (a)(1)(iv) as follows:

§ 240.3a12–8 Exemption for designated foreign government securities for purposes of futures trading.

(a) * * *

(1) * * *

(iv) Any country with outstanding long-term sovereign debt rated in one of the two highest rating categories (within which there may be sub-categories or gradations indicating relative standing) by at least two nationally recognized statistical rating organizations, so long as such debt remains so rated. For the purposes of this paragraph, the phrase "long-term" is defined as having an original maturity date more than 365 days from the date of issuance.

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the two highest rating categories from having their debt designated as an exempted security. If the Commission receives an application from an entity desiring to market or trade futures on the debt of a country that does not meet the rating standard, the Commission would consider that application in light of the regulatory concerns underlying the Rule and, if appropriate, publish a proposal to amend the Rule to include that country's debt.

[17] Portugal and South Korea are the only sovereign issuers rated in the third highest category (A). Italy's long-term debt is rated Aaa by Moody's, but is not rated by S&P.

[18] For example, at such time the marketing and trading in the U.S. of futures on any debt issues of the relevant government issuer not already the subject of futures trading could be prohibited or, in addition, any further increases in the open interest in futures on that country's debt could be prohibited.

[19] S&P recently adopted guidelines whereby it will issue a single, uniform rating for all long-term debt issues of a given foreign government. *S&P International CreditWeek*, December 1986, at 16. Moody's has no such policy.

[20] In adopting Rule 3a12–8 the Commission decided not to require, as a condition to the exemption, that such information be available. *See* Adopting Release, *supra* note 5, 49 FR at 8597–98. At the time Rule 3a12–8 was adopted both the United Kingdom and Canada had government debt issues registered in the United States. As a result, although those particular issues were not the subject of futures trading, United States investors had relevant disclosure materials concerning the issuers, *i.e.*, the governments of Canada and the United Kingdom. The Japanese government, however, had not registered any securities in the United States when it was added to the Rule's list of eligible issuers. Of the new countries that would become eligible under the rating standard proposal, only Australia, Denmark, Finland, New Zealand and Sweden currently have government debt issues registered in the U.S.

Alternative B:

Section 240.3a12–8 is amended by removing the word "or" from (a)(1)(ii), replacing the period with a semi-colon at (a)(1)(iii), and adding paragraphs (a)(1)(iv) through (vi) as follows:

§ 240.3a12–8 Exemption for designated foreign government securities for purposes of futures trading.

(a) * * *

(1) * * *

(iv) Australia;

(v) France; or

(vi) New Zealand.

* * * * *

Dated: May 5, 1987.

By the Commission.

Jonathan G. Katz,

Secretary.

Regulatory Flexibility Act Certification

I, John Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendment to Rule 3a12–8 set forth in Securities Exchange Act Release No. 24428, which would define government securities of (1) any country with outstanding long-term sovereign debt rated in one of the two highest rating categories by at least two nationally recognized statistical rating organizations or (2) Australia, France and New Zealand as exempted securities under the Securities Exchange Act of 1934 for purposes of futures trading on such securities, will not have a significant economic impact on a substantial number of small entities for the following reasons. First, the proposed amendment imposes no record-keeping or compliance burden in itself and merely allows, in effect, the marketing and trading in the United States of foreign futures contracts on government securities described above. Second, because futures contracts on British, Canadian and Japanese debt, which already can be traded and marketed in the U.S., still will be eligible for trading under the proposed amendment, the proposal will not affect any entity currently engaged in trading such futures contracts. Third, because the level of interest presently evident in this country in the futures trading covered by the proposed rule amendment is modest and those primarily interested are large, institutional investors, neither the availability nor the unavailability of these futures products will have a significant economic impact on a substantial number of small entities, as that term is defined for broker-dealers in 17 CFR 240.0–10 and to the extent that it is defined for futures market participants at 47 FR 18618.

Dated: May 5, 1987.

John Shad,

Chairman.

[FR Doc. 87–10989 Filed 5–13–87; 8:45 am]

[BILLING CODE 8010–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–9–FRL–3200–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision—Tehama and Six Other Districts in California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to approve revisions to the California State Implementation Plan (SIP) for the Bay Area, the South Coast, and Butte, Monterey, Placer, San Diego, and Tehama Counties. The revisions were submitted to EPA by the California Air Resources Board (CARB) on February 10, 1986. The submitted rules control emissions of nitrogen oxides, sulfur oxides, volatile organic compounds, and total suspended particulate matter. EPA has determined that the revisions are consistent with the Clean Air Act and EPA requirements, and is proposing that the rules be approved.

DATE: Comments may be submitted to EPA at the address below up to June 15, 1987.

ADDRESSES: Comments on this proposal should be sent to: Regional Administrator, Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105. Attn: Air Management Division, State Implementation Plan Section (A–2–3).

Copies of the submitted rules are available during normal working hours at EPA's Region 9 office in San Francisco and at CARB's office in Sacramento. Rules of specific districts can also be found at the district offices. EPA's detailed evaluations of the rules are available at its Region 9 office. Below are listed the applicable addresses.

California Air Resources Board, Projects Section, Technical Support Division, 1131 "S" Street, Sacramento, CA 95812.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

Butte County Air Pollution Control District, 316 Nelson Avenue, Oroville, CA 95965.

Monterey Bay Unified Air Pollution Control District, 1164 Monroe Street, Suite 10, Salinas, CA 93906–3596.

Placer County Air Pollution Control District, 11582 B Avenue, Building 117A, Auburn, CA 95603.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123–1095.

South Coast Air Quality Management District, 9150 Flair Drive, El Monte, CA 91731.

Tehama County Air Pollution Control District, 1760 Walnut Street, Red Bluff, CA 96080.

FOR FURTHER INFORMATION CONTACT: Patty Monahan, Environmental Protection Specialist, State Implementation Plan Section, A–2–3, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974–7639, FTS 454–7639.

SUPPLEMENTARY INFORMATION:

Background

This notice proposes to approve rules which were submitted as SIP revisions by the State of California on February 10, 1986. The amended rules control the emissions of volatile organic compounds (VOC), nitrogen oxides (NOx), sulfur oxides (SOx), and total suspended particulate matter (TSP). Below is a list of these rules, with the primary pollutants affected by each rule in parentheses. EPA's evaluation of these revisions, as well as EPA's intended action, follow the list of rules.

Description of Rules and Regulations

Bay Area AQMD

Regulation 8, Rule 5—Storage of Organic Liquids (VOC)

Butte County APCD

Rule 2A–2—Finding by County Health Officer [deletion] (TSP)

Rule 202—Visible Emissions (TSP)

Rule 203—Particulate Matter Concentration (TSP)

Rule 204—Exemptions to Rules 201, 202, and 203 (TSP)

Rule 205—Process Weight Limitation (TSP)

Rule 210—Gasoline Transfer into Stationary Storage Containers (VOC)

Rule 211—Exemptions to Rule 210 (VOC)

Rule 212—Gasoline Storage (VOC)

Rule 213—Bulk Facilities, Petition for Annual Exemption (VOC)

Rule 214—Vapor Collection and Disposal System at Loading Facilities (VOC)

Rule 215—Storage of Gasoline Products at Bulk Facilities (VOC)

Rule 220—Dry Cleaning (VOC)

Rule 225—Solvent Storage (VOC)

Rule 231—Sulfur Oxides Emission Standard (SOx)

Monterey Bay Unified APCD

Rule 416—Organic Solvents (VOC)
Rule 418—Transfer of Gasoline Into Stationary Storage Containers (VOC)

Placer County APCD

Rule 213—Gasoline Transfer into Stationary Storage Containers (VOC)
Rule 307—Agricultural Burning Reports (TSP)
Rule 324—Residential Rubbish Burning (TSP)

San Diego County APCD

Rule 66—Organic Solvents (VOC)
Rule 67.8—Dry Cleaning Facilities using Halogenated Organic Solvents (VOC)
Rule 68—Fuel Burning Equipment (NOx)

South Coast County AQMD

Rule 1159—Nitric Acid Units—Oxides of Nitrogen (NOx)

Tehama County APCD

Rule 4.3—Particulate Matter (TSP)
Rule 4.8—Dust and Condensed Fumes (TSP)
Rule 4.9—Specific Contaminants (SOx)
Rule 4.10—Sulfur Content of Fuels (SOx)
Rule 4.13—Fuel Burning Equipment [deletion] (SOx, NOx)
Rule 4.14—Fuel Burning Equipment (NOx)

EPA Evaluation

EPA has evaluated these rules for consistency with the Clean Air Act, 40 CFR Part 51, and EPA policy. There are four revisions which represent relaxations of the current SIP. Three of the revisions pertain to agricultural burning rules and the fourth revision exempts turbine engines from NOx controls during certain modes of operation. All of the counties with these relaxed rules are in attainment with the standards for the applicable pollutants.

The first of these agricultural burn relaxations is a proposal to delete Butte County Rule 2A–2. Currently, both the Air Pollution Control Officer (APCO) and a health officer must approve all wood waste burning in Butte County. The deletion of Rule 2A–2 would remove the requirement that a health officer approve wood waste burning and would give the APCO total discretion. EPA is proposing approval of this deletion because the current rule is unnecessary, unenforceable, and not required by neighboring counties.

There are two rules for Placer County regarding agricultural burns which relax the current, federally-approved rules. Placer Rule 307 allows the APCO to determine reporting requirements during peak burn months. The approval of this rule would give the APCO increased flexibility during the agricultural burn season, and would not lead to an increase in TSP emissions.

The revision to Placer Rule 324 deletes the stacking requirements for residential burns. The current rule has not been enforced for residential burns. Further, Rule 308, which is applicable to residential burns, specifies that the burns must be prepared to minimize smoke; this implicitly regulates the stacking of materials. The Placer agricultural burn revisions are consistent with the federal rules for other California counties and EPA believes such revisions will not increase TSP emissions.

The fourth revision which is less stringent than the current SIP is San Diego Rule 68. This revision would exempt turbine engines from NOx requirements for thirty minutes each during start-up, shut down, and fuel switching. The current regulation is an unreasonable standard that cannot be complied with. EPA believes an emissions increase, if any, would be insignificant and would not adversely affect attainment status.

Of the remaining revisions, there are fourteen governing the emission of VOC's, two of which will reduce VOC emissions. These two revisions are: Bay Area Regulation 8, Rule 5, and San Diego Rule 66.

Bay Area Regulation 8, Rule 5, presents a new measure of vapor pressure, requires controls for certain smaller tanks, and provides more details on floating roofs and seals. The proposed revision will reduce VOC emissions and help the Bay Area achieve the ozone standard.

The second revision which would decrease VOC emissions is San Diego Rule 66. This rule would encourage the use of low VOC paints and clean-up compounds. Instead of reducing the amount of highly reactive compounds, revised Rule 66 reduces total VOC, and should aid in attainment of the ozone standard. All of the VOC revisions are approvable under Part D and section 110 of the Clean Air Act.

There are four revisions in this package which govern SOx emissions. Butte Rule 231, Sulfur Oxides Emission Standard, has been recodified. Tehama Rule 4.9 has changed the form of emissions limitations for sulfur compounds from .2% to 250 parts per million. Tehama Rule 4.10 eliminates all exemptions for sources burning natural gas. The rule has no effect on restrictions for sulfur content in liquid and solid fuel. Finally, Tehama Rule 4.13 was deleted since its requirements are included in the new portions of Rule 4.9.

EPA's review indicates that the deletion of Tehama Rule 4.13 and its replacement by Rules 4.9 and 4.14 should not impact emissions. With the exception of Tehama Rule 4.3, the rest of the rules do not have a net effect on emissions and do not impact the Air Quality Plan. The rest of the rules make minor administrative corrections, clarify procedures, and delete obsolete compliance schedules. Tehama Rule 4.3 reduces the particulate matter emission limit from 0.3 grains per cubic foot at standard conditions to 0.15 grains per cubic foot. It thus sets more stringent controls on particulate matter emissions, and is approvable under section 110 of the Clean Air Act.

EPA's detailed evaluation of the submitted rules is available at the EPA Region 9 office.

EPA Proposed Action

These rules are consistent with the Clean Air Act, 40 CFR Part 51, and EPA policy. EPA thus proposes to approve all of these rules under section 110 and to approve the VOC rules under both section 110 and Part D of the Clean Air Act.

Regulatory Process

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Particulate matter, Carbon monoxide, Hydrocarbons, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7642.

Dated: August 6, 1986.

John Wise,

Acting Regional Administratror.

Editorial Note.—This docuent was received at the Office of the Federal Register on May 11, 1987.

[FR Doc. 87–11028 Filed 5–13–87; 8:45 am]
BILLING CODE 6560–50–M

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40 CFR Part 52

[A-4-FRL-3200-5; FL-016]

Approval and Promulgation of Implementation Plans, Florida; Waste Pesticide Container Burning Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On September 6, 1985, the State of Florida submitted a waste pesticide container burning rule for EPA review. The rule was adopted by the Florida Department of Environmental Regulation on July 10, 1985, and became State-effective on July 30, 1986. The rule allows for the supervised burning of certain waste pesticide containers on the site of application under supervision.

DATE: To be considered, comments must reach us on or before June 15, 1987.

ADDRESSES: Written comments should be addressed to Rosalyn Hughes of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the State's submittal are available for review during normal business hours at the following locations:

Bureau of Air Quality Management, Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301

Environmental Protection Agency, Air Programs Branch—Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Rosalyn Hughes, EPA Region IV, Air Programs Branch, at the address listed above, and phone (404) 347–2864 or FTS 257–2864.

SUPPLEMENTARY INFORMATION: The Florida Department of Environmental Regulation (DER), acting in response to the concerns of farmers, pesticide applicators, and other agricultural related parties regarding the disposal of waste pesticide containers, adopted a rule to allow controlled, limited open burning of specified groups of containers. The concerns about disposal of pesticide containers arose because many sanitary landfill operators either were reluctant or refused to accept the waste containers. The landfill operators associated the waste containers with hazardous waste. Problems also occurred in transporting waste containers from isolated fields to the often distant rural sanitary landfills. Essentially no practical alternative disposal method was available.

The DER investigated four possible alternative disposal methods other than sanitary landfilling. They were: (1) On-site burial of containers, (2) incineration, (3) recycling of used containers, and (4) open burning of limited quantities of containers. Three of the four methods were found to be impractical or unsound environmentally. Indiscriminately burying the containers could threaten the water table. No incinerators were in operation for the disposal of pesticide wastes. Recycling was not practical or economical under the present circumstances. After a thorough assessment of the impact of allowing open burning, the DER found that the open burning of properly cleaned waste pesticide containers could be accomplished in an environmentally sound manner.

The impact analysis was done through modelling and a general assessment of the background of the affected areas, which are rural and not heavily, if at all, industrialized.

Proposed Action

EPA has reviewed the submitted material and found it to meet present EPA requirements. Therefore, EPA is today proposing to approve Florida's rule for the open burning of waste pesticide containers and is soliciting public comment on it.

For further information on EPA's analysis, the reader may consult a Technical Support Document which contains a detailed review of the technical justification, including modelling analysis, legal impact and the economic impact. This is available at the EPA address given above. Interested persons are invited to submit comments on this proposed approval. EPA will consider all comments received within thirty days of the publication of this notice.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7642.

Dated: December 3, 1986.

Jack E. Ravan,

Regional Administrator.

[FR Doc. 87–11027 Filed 5–13–87; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[A–8–FRL–3200–8]

Approval and Promulgation of State Implementation Plans, Montana; Butte TSP Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice proposes to modify the March 4, 1980 conditions in the Montana State Implementation Plan (SIP) for attainment of the primary particulate standard in the Butte nonattainment area. EPA is proposing approval of the measures that were developed to reduce emissions from unpaved roads and an open cooper mine owned by Washington Construction. These were the primary sources of the particulate emissions in the Butte nonattainment area at the time of the nonattainment designation. However, studies indicate that wood smoke is the probable cause of the recent violations. EPA is, therefore, requiring the State to address residential wood combusion as part of the Butte TSP Control Plan.

DATE: Comments due July 13, 1987.

ADDRESSES: Written comments should be addressed to: Douglas M. Skie, Chief, Air Programs Branch, Environmental Protection Agency, Denver Place, Suite 500, 999 18th Street, Denver, Colorado 80202–2405.

Copies of the submittals are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the follwing offices: Environmental Protection Agency, Region VIII, Air Programs Branch, Denver Place, Suite 500, 999 18th Street, Denver, Colorado 80202–2405.

FOR FURTHER INFORMATION CONTACT: Lee Hanley, Air Programs Branch, Environmental Protection Agency, Denver Place, Suite 500, 999 18th Street, Denver, Colorado 80202–2405, (303) 293–1765.

SUPPLEMENTARY INFORMATION: In 1977, the Montana Air Quality Bureau (AQB) divided the State into various control regions and classified the air quality of each region as required by the 1977 Clean Air Act Amendments. One such region was the east portion of Butte which was classified nonattainment of the National Ambient Air Quality Stnadard (NAAQS) secondary particulate standard. (See 43 FR 8962, March 3, 1978.) Classification was made using October 1976 to September 1977 particulate data collected Greeley School which showed a geometric mean of 79 $\mu g/m^3$ as well as exceedances of the 24-hour secondary standard. The Butte nonattainment boundary was drawn by the AQB using air quality modeling information provided by the EPA and PEDCO (1977) and knowledge of the various sources of dust in Butte.

The AQB submitted the control region information to EPA on January 6, 1978. EPA reviewed the information and changed the designation from nonattainment of the secondary standard to nonattainment of both secondary and primary NAAQS

particulate standards based on data collected through the end of 1977. (See 44 FR 45420, August 2, 1979, and 45 FR 14036, March 3, 1980.

On April 24, 1979, the Butte SIP for attainment of the primary standard was submitted to EPA and included a request for delay in submission of the secondary standard plan for 18 months. The SIP identified fugitive emissions from paved roads and the open pit copper mine owned by the Anaconda Copper Company as the cause of the TSP problem. An analysis using the 1977 emission inventory and an acceptable diffusion model demonstrated that a strategy to control fugitive dust emissions would attain the annual primary standard by 1982. The State was proceeding to develop a regulation to control re-entrained dust from pave streets for an estimated reduction of 8 $\mu g/m^3$.

EPA gave conditional approval of the Arpil 24 submittal on March 4, 1980, 45 FR 14036, contingent upon the development and adoption of a revised airborne particulate rule and submission of a demonstration that the estimated reductions will be achieved. That rule was to be submitted to EPA by February 15, 1981; it was to be implemented so as to achieve the standard by December 1982.

In a separate action on March 4, 1980, 45 FR 14072, proposed approval of the 18 month extension for the submission of a revised particulate rule. That action was finalized on September 23, 1980, 45 FR 62982, in which EPA approved a schedule calling for the adoption and submission of an airborne particulate rule by February 15, 1981.

Studies which followed indicated that the airborne particulate rule was inappropriate. Therefore, the State proposed a new schedule specifying submittal of an effective plan by September 30, 1982. A plan was submitted on February 10, 1983, accompanied by a request for redesignation of the Butte TSP (primary and secondary) nonattainment area. The submittal included (1) a schedule for street sweeping and paving committed to by the Butte-Silver Bow local government and, (2) a commitment by the State to issue a permit to Anaconda limiting emissions from their mining operation. Internal EPA review of this submittal led to a requirement that the actual permit become part of the Plan.

On April 15, 1983, a permit was issued to Anaconda which specified emission controls and operating limits predicted to maintain compliance with the primary standard under all foreseen mining scenarios. A copy of the permit was submitted to EPA on April 18, 1983, and is part of the Butte TSP Plan. On June 7, 1983, the State submitted a document clarifying their authority to enforce conditions of the permit.

Mining operations at Anaconda ceased in April 1982. The mine (Berkeley Pit) was flooded with minimal plans for additional mining. The deterioration of the access roads and the poor economics of the mining industry made reopening of the mine highly improbable. Indefinite curtailment of all mining activities took place in June 1983. Anaconda continued to maintain the facility.

In addition to the conditions of the permit on the Anaconda operations, other parts of the February 1983 submittal were reviewed to determine the adequacy of the attainment demonstration. The review centered primarily on the State's choice to demonstrate compliance using the Industrial Source Complex Long Term (ISCLT) dispersion model. The model assumed mining would continue and included the conditions contained in the Anaconda air quality permit. Also, the model used meterorological data, temperature and wind data, from the Alpine site which is close to the mine.

Various future mining and control strategy scenarios were modeled. Two city activity levels (based on population) were evaluated and controls on the anticipated emissions defined as Level I and Level II. Level I is with no controls, and Level II is with 10% TSP controls achieved by street sweeping in the nonattainment area. The mine scenario evaluated three levels of controls on the mining activity: one consisted of 50% control on the active storage and crusher dump; the second assumed 70% control on haul roads; and the third assumed both controlling strategies together. Stripping ratio and total mining output were also varied so as to develop various options. (Stripping ratio is the volume of overburden to the volume of ore.)

Other permanent changes in mining activity include mining only in the East Pit and waste dumping only in the Hillcrest site. The East Pit is northeast of the nonattainment area. The change in the mining location from the previous site which was northwest of the Greeley site will have a significant effect on the nonattainment area. The wind direction in the Butte area is northwest to southeast. Mining originally was northwest of the Greeley School. Moving the mining activity to the east reduces the fugitive emission impact on the nonattainment area.

The result of the modeling analysis demonstrated that with the implementation of all permit conditions, the Butte nonattainment area would achieve the primary annual NAAQS for particulates.

The State concentrated its modeling efforts on the primary annual standard since it was the initial cause of the nonattainment designation. The primary 24-hour standard had not appeared to be a problem in the studies conducted or in the monitoring data.

After extensive study on the modeling analysis, the monitoring data and the Anaconda permit, EPA advised the State on May 30, 1985 of its conclusion that an attainment demonstration had only provided for the primary standards. The State responded on June 21, 1985, that it wished to revise its February 10, 1983 submittal by requesting approval of the primary TSP Plan and redesignation for attainment of the primary standards.

As EPA proceeded to process the State's request, EPA was informed that violations of the primary 24-hour standard had occurred for the first time. (The violation occurred in December 1985.)

The Anaconda permit, that is one of the primary control strategies to the Butte TSP Plan, had also undergone some changes. In October 1985, Washington Construction of Missoula, Montana purchased the Butte mining interest of Anaconda's partner company, Atlantic Richfield Corporation and announced intentions to resume mining activity. In December 1985, the Anaconda permit was transferred to Washington Construction, therefore binding them to the same operating permit conditions which were imposed on Anaconda. In July 1986, Washington Construction resumed mining operations in Butte.

At a meeting on May 20, 1986, EPA and the State agreed that the request for redesignation of the Butte nonattainment area could not be approved because of the violations in 1985.

On May 7, 1986, the State submitted a letter and a study indicating that the sources of the particulate emission have changed since the February 10, 1983 plan was developed. The 1986 study demonstrated that the violations occurred in the winter months, and that the primary source of the remaining particulate problem is from residential wood combustion. Based on the State's statistical analysis, EPA agrees that wood smoke is the most probable source of the winter violations. Since the violations that occurred were of the 24-hour primary TSP standard, the State is now required to do short-term modeling.

EPA Action

EPA is proposing approval of the control strategy submitted to meet the conditions in the March 4, 1980 conditional approval, as well as modifying the conditional approval to require the State to address the wood smoke problem. The controls that are being approved include sweeping and flushing of Continental Drive, paving and partial paving of 18 streets, and the permit to Washington construction Company (formally the Anaconda Minerals Company permit).

EPA is modifying the March 4, 1980 conditional approval by requiring the State to conclusively determine whether the recent violations are due to wood smoke emissions. Once a determination is made, a new control strategy will have to be incorporated into the Butte TSP Plan.

Under 5 U.S.C. 605(b), I certify that this SIP approval will not have a singnificant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air Pollution Control, Total suspended particulate matter.

Authority: 42 U.S.C. 7401–7642.

Dated: March 27, 1987.

Irwin L. Dickstein,

Acting Regional Administrator.

[FR Doc. 87–11030 Filed 5–13–87; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[Region II Docket No. 75; FRL–3200–7]

Approval and Promulgation of Implementation Plans; Revision to the State of New Jersey Implementation Plan for Lead

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice announces that the Environmental Protection Agency is proposing approval of a revision to the New Jersey State Implementation Plan (SIP) for lead. This revision consists of material prepared by the New Jersey Department of Environmental Protection (NJDEP) pursuant to a SIP commitment to conduct studies and implement appropriate actions to maintain the ambient air quality standard for lead in the vicinity of two facilities: Delco Remy in New Brunswick and Heubach Inc. in Newark. Among the actions proposed are specific emission limitations for Delco Remy and Heubach.

DATES: Comments must be received by June 15, 1987. Public comments on this document are requested and will be considered before taking final actions on this SIP revision.

ADDRESSES: All comments should be addressed to: Christopher J. Daggett, Regional Administrator, Envornmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the SIP revision are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278

New Jersey Department of Environmental Protection, Division of Environmetal Quality, 401 East State Street, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT: Raymond Werner, Acting Chief, Air Programs Branch, Environmental Protection Agency, Room 1005, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION:

Background

On November 25, 1986 (51 FR 42565) the Environmental Protection Agency (EPA) approved the New Jersey State Implementation Plan (SIP) for the attainment and maintenance of the national ambient air quality standards for lead. As a part of its control strategy, the State committed in its SIP to conduct studies of lead emissions in the vicinity of the Delco Remy (New Brunswick) and Heubach (Newark) facilities and to implement appropriate actions to maintain the standard in both areas. These studies, known as reasonably available control technology (RACT)-plus, were to determine what control measures in addition to RACT, if any, were needed to attain and maintain the ambient standard for lead.

The State Submittal

On December 1, 1986 the State of New Jersey sent EPA a draft SIP revision for Delco Remy and Heubach. The primary purpose of this submittal was to fulfill requirements necessary to complete the States's lead SIP. Today's action only discusses the adequacy and approvability of revisions to the New Jersey lead SIP as they relate to commitments made in the SIP with respect to the Delco Remy and Heubach facilities. A public announcement requesting comments on this SIP submittal was made in the *New Jersey Register* on March 2, 1987. EPA is proposing this SIP revision in parallel with New Jersey and will only take our final action after New Jersey completes its review and adoption process.

The specific revision and the results of EPA's review of it are discussed as follows.

NJDEP submitted to EPA its "RACT-plus" study report on Heubach in February, 1986 and on Delco Remy in June, 1986. The reports conclude that stack test emission rates were less than the allowable emission rate under existing emission limitations, predicted concentrations from dispersion modeling of actual stack and fugitive emissions were below the lead standard, and monitored ambient lead concentrations near the facilities are below the ambient lead standard. However, for maintenance of the ambient standard for lead, NJDEP has revised the facilities' operating permits to reflect only the lower, current actual lead emission rates at these facilities. For the Delco Remy facility, the permits were revised to specify an overall allowable emission reduction of sixty percent, and, for the Heubach facility, and overall reduction of eighty percent, as follows:

TABLE I.—REVISED ALLOWABLE EMISSION LIMITS CONTAINED IN PERMITS

Delco Remy		Heubach	
NJ stack No.	Allowable lead emission rate (pounds per hour)	NJ stack No.	Allowable lead emission rate (pounds per hour)
005	0.050	004	0.520
006	.150	012	.033
009	.160	013	.003
014	.150	014	.003
020	.850	015	.048
026	.120	016	.050
031	.099	017	.064
042	.290	018	.048
043	.350	023	.008
050	.110	025	.030
052	.240	026	.008
053	.110	035	.002
054	.120	036	.008
055	.120		
056	.120		
057	.120		
058	.120		
060	.200		
065/062	.305		

These permits are already in effect and both Delco Remy and Heubach are in compliance with the revised emission limits.

NJDEP will continue to monitor in the vicinity of the two facilities at least until the end of September 1988, or until such time that NJDEP and EPA mutually agree that ambient monitoring is no longer necessary.

Finding

EPA finds that the lower allowable emissions limits for these two facilities will insure continued maintenace of the lead standard at these locations.

EPA is soliciting public comments on this notice and on issues relevant to EPA's proposed action. Comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the address above.

The revisions are being proposed under a procedure called "parallel processing" (47 FR 27073). If the proposed revisions are substantially changed, except as may be specified herein, EPA may request additional public comment. Otherwise, EPA proposes to take final rulemaking action as specified herein.

The final rulemaking action by EPA will occur only after the SIP revisions have been adopted by New Jersey and submitted to EPA for incorporation into the SIP. Parallel processing will reduce the time necessary for final approval of these SIP revisions by 3 to 4 months.

Conclusion

EPA is proposing to approve the revision pertaining to the Delco Remy and Heubach facilities as a part of the New Jersey SIP. EPA is proposing to incorporate expressly the emission limitations for lead in the state permits for Delco Remy and Heubach into the SIP for the State New Jersey at 40 CFR Part 52, Subpart FF, at which time such limitations shall be effective and may only be revised by appropriate procedures under the Clean Air Act. This revision has been found to fulfill the commitment made by New Jersey in its lead SIP to study the facilities and implement additional control measures, if necessary.

This notice is issued as required by section 110 of the Clean Air Act, as amended. The Administrator's decision regarding the approval of this plan revision is based on its meeting the requirements of section 110 of the Clean Air Act and 40 CFR Part 51.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Lead, Incorporation by reference.

Authority: 42 U.S.C. 7401–7642.

Dated: March 20, 1987.

Christopher J. Daggett,

Regional Administrator, Environmental Protection Agency, Region II.

[FR Doc. 87–11029 Filed 5–13–87; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Parts 712 and 716

[OPTS–84024; FRL–3200–4]

Addition of Chemicals to Information Rules; Certain Pesticide Inert Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to require the reporting of information on chemical substances listed in this proposed rule. Both the Office of Toxic Substances and the Office of Pesticide Programs are concerned about the potential adverse human and environmental effects of these substances, because they may have uses in industrial/commercial formulations, and are used as inert ingredients in pesticide formulations. These substance would be added to the lists of chemical substances and mixtures in the Preliminary Assessment Information Rule (PAIR) (40 CFR Part 712), and the Health and Safety Data Reporting Rule (40 CFR Part 716). Under these rules, EPA would require manufacturers, importers, and processors of these substances to provide the Agency with production, end use, and exposure data, plus lists and copies of unpublished health and safety studies on the substances.

DATE: Written comments should be submitted to EPA by June 15, 1987.

ADDRESS: All comments should be sent in triplicate to: TSCA Public Information Office (TS–793), Office of Toxic Substances, Environmental Protection Agency, Rm. NE–G004, 401 M St., SW., Washington, DC 20460.

Comments should include the docket control number OPTS–84024. Comments received on this proposed rule will be available for reviewing and copying from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays, in Rm. NE–G004, at the address given above.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–543, 401 M St., SW., Washington, DC 20460, Telephone: (202) (554–1404).

SUPPLEMENTARY INFORMATION:

I. Statutory Authority

This rule is proposed under the authority of sections 8 (a) and (d) of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2607 (a) and (d)).

II. Regulatory Background

Under authority of section 8(a) of the TSCA, EPA promulgated PAIR (40 CFR Part 712). This model section 8(a) rule established standard reporting requirements for manufacturers and importers of the chemicals that the Agency lists in the rule. These manufacturers and importers are required to submit a one-time report on general volume, end use, and exposure information using the Preliminary Assessment Information Manufacturer's Report (EPA Form 7710–35). EPA uses this model section 8(a) rule to quickly gather current information on substances of concern.

Under the authority of section 8(d) of the TSCA, EPA issued the model Health and Safety Data Reporting Rule in 1982 (40 CFR Part 716, hereinafter referred to as the section 8(d) model rule). An amendment to the section 8(d) model rule was published in the **Federal Register** of September 15, 1986 (51 FR 32720). The amendment lengthened the rule's sunset provision, added a provision for biennial review, limited three reporting exemptions, clarified the rule's confidentiality provisions, and made technical revisions. The model rule contains standard reporting requirements for persons who manufacture, import, or process (or propose to manufacture, import, or process) chemical substances and mixtures that are listed in the rule. The model rule requires these persons to provide EPA with copies and lists of health and safety studies pertaining to the listed substances and mixtures. EPA has the authority to amend the list of substances and mixtures in the section 8(d) model rule. Generally, the Agency may add substances and mixtures to the model rule listing by means of a chemical-specific amendment to the model rule, as EPA is doing with this proposed rule.

The reporting requirements of the model rule are applicable as of the date a substance or mixture is listed in the rule, and remain in effect after the listing date. The model rule also is applicable to persons who manufactured, imported, or processed a listed substance or mixture (or proposed to do so) during the 10 years prior to the listing date. Most persons subject to the rule are required to submit two types of data to EPA:

1. Copies of unpublished health and safety studies pertaining to substances and mixtures listed in the rule, provided that such studies are in the possession of the manufacturer, importer, or processor.

2. Lists of unpublished health and safety studies which are being conducted by (or for) the manufacturer, importer, or processor, or which are known to but not in the possession of the manufacturer, importer, or processor.

Potential respondents to this proposed rule should refer to 40 CFR Part 716 and its amendments (51 FR 32720) for complete information on section 8(d) reporting requirements.

III. Summary of This Proposed Rule

EPA is proposing to add certain chemical substances suspected of having adverse effects on human health and the environment to the lists of chemical substances and mixtures in PAIR and the section 8(d) model rule. Through these amendments, EPA would trigger reporting of production, end use, exposure, and unpublished health and safety data.

Manufacturers and importers of the substances are subject to reporting under PAIR. Reporting under PAIR involves a one-time submission of the rule's reporting form for each listed chemical produced at a particular plant site. Complete details of the reporting requirements, including exemptions and a facsimile of the reporting form, are fully described in 40 CFR Part 712. Under the section 8(d) model rule, manufacturers, importers, and processors of the listed substances are subject to reporting. The section 8(d) reporting requirements for a substance remain in effect for 10 years after adding such substances to the rule. Detailed guidance for reporting unpublished health and safety data is provided in 40 CFR Part 716 and its amendments (51 FR 32720). Reporting exemptions are also found in these references.

SUBSTANCES PROPOSED FOR ADDITION TO BOTH PAIR AND 8(d)

CAS No.	Trivial/common chemical name	TSCA chemical substance inventory name
68-12-2	Dimethyl formamide	Formamide, *N,N*-dimethyl-
75-37-6	1,1-Difluoroethane	Ethane, 1,1-difluoro-
75-43-4	Dichloromonofluoromethane	Methane, dichlorofluoro-
75-45-6	Chlorodifluoromethane	Methane, chlorodifluoro-
75-52-5	Nitromethane	Methane, nitro-
75-68-3	1-Chloro-1,1-difluoroethane	Ethane, 1-chloro-1,1-difluoro-
79-24-3	Nitroethane	Ethane, nitro-
88-04-0	*p*-Chloro-*m*-xylenol	Phenol, 4-chloro-3,5-dimethyl-
95-14-7	1,2,3-Benzotriazole	1*H*-Benzotriazole
96-48-0	Butyrolactone	2(3*H*)-Furanone, dihydro-
100-02-7	*p*-Nitrophenol	Phenol, 4-nitro-
101-84-8	Diphenyl oxide	Benzene, 1,1,'-oxybis-
102-71-6	Triethanolamine	Ethanol, 2,2',2''-nitrilotris-
107-98-2	1-Methoxy-2-propanol	2-Propanol, 1-methoxy-
111-42-2	Diethanolamine	Ethanol, 2,2'-iminobis-
111-76-2	2-Butoxyethanol	Ethanol, 2-butoxy-
111-77-3	Diethylene glycol monomethyl ether	Ethanol, 2-(2-methoxyethoxy)-
111-90-0	Diethylene glycol monoethyl ether	Ethanol, 2-(2-ethoxyethoxy)
120-32-1	2-Benzyl-4-chlorophenol	Phenol, 4-chloro-2-chlorophenol(phenylmethyl)-
124-16-3	1-Butoxy ethoxy-2-propanol	2-Propanol, 1-(2-butoxyethoxy)-
131-17-9	Diallyl phthalate	1,2-Benzenedicarboxylic acid, di-2-propenyl ester
577-11-7	Dioctyl sodium sulfosuccinate	Butanedioic acid, sulfo-, 1,4-bis(2-ethylhexyl) ester, sodium salt
5131-66-8	1-Butoxy-2-propanol	2-Propanol, 1-butoxy-
25168-06-3	Isopropyl phenol	Phenol, (1-methylethyl)-
25498-49-1	Tripropylene glycol monomethyl ether	Propanol, [2-(2-methoxymethylethoxy)methylethoxy]-
29385-43-1	Tolyl triazole	1*H*-Benzotriazole, methyl-
34590-94-8	Dipropylene glycol monomethyl ether	Propanol, (2-methoxymethylethoxy)-

SUBSTANCES PROPOSED FOR ADDITION TO PAIR ONLY

CAS No.	Trivial/common chemical name	TSCA chemical substance inventory name
74-83-9	Methyl bromide	Methane, bromo-
75-00-3	Chloroethane	Ethane, chloro-
79-00-5	1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-
142-28-9	1,3-Dichloropropane	Propane, 1,3-dichloro-

SUBSTANCES PROPOSED FOR ADDITION TO 8(d) ONLY

CAS No.	Trivial/common chemical name	TSCA chemical substance inventory name
76-13-1	1,1,2-Trichloro-1,2,2-trifluoroethane	Ethane, 1,1,2-trichloro-1,2,2-trifluoro-
80-62-6	Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester
97-88-1	Butyl methacrylate	2-Propenoic acid, 2-methyl-, butyl ester
100-41-4	Ethylbenzene	Benzene, ethyl-
140-88-5	Ethyl acrylate	2-Propenoic acid, ethyl ester

IV. Background, Objectives, and Rationale For This Proposed Rule

EPA's Office of Toxic Substances (OTS) is conducting an evaluation of the potential hazards associated with certain chemical substances.

This proposed rule applies to certain suspect toxic substances used as "inert" pesticide ingredients. These substances are covered by TSCA because of various TSCA identified uses, and have not previously been added to PAIR and/or the section 8(d) model health and safety data rule.

A review of "inert" ingredients in pesticide formulations by the Office of Pesticide Programs (OPP) and OTS revealed that certain of these substances have similar chemical structures to other TSCA regulated substances that are known to demonstrate carcinogenicity,

teratogenicity, neurotoxic effects or reproductive effects in laboratory studies. Other TSCA regulated substances structurally similar to the substances used as pesticide inerts have demonstrated effects on humans, are known to bioaccumulate, or have other known adverse ecological effects such as toxicity to fish.

One major problem the Agency faced in attempting to evaluate these selected substances is that there was little or no available toxicity, use, production, or exposure data. The substances have not been extensively studied by the scientific community, and the Agency has limited data on their potential for adverse health and environmental effects. OTS is concerned that these TSCA-covered substances may have significant industrial/commercial applications in addition to their use in pesticide formulations.

Although EPA has conducted preliminary evaluations of the health and environmental risks posed by these substances, the Agency wants to ensure that it has all reasonably ascertainable production, end use, exposure, and unpublished health and safety data on the substances before undertaking in-depth risk assessment or further regulatory action. Therefore, OTS is proposing to gather current data under sections 8(a) and (d) of TSCA in order to perform risk identification and assessment activities to support EPA's decisionmaking under TSCA sections 4, 5, 6, 8, and 9. Information to be gathered by this proposed rule would also prove useful to OPP, especially any significant new unpublished health and safety data.

V. Economic Analysis

EPA's analysis of the reporting requirements of this proposed rule is contained in two documents, both of which are in the public record for this proposed rule (OPTS–84024).

Based on EPA's experience with section 8(a) and (d) reporting rules, the Agency estimates that the total reporting costs for establishing reporting requirements for the listed substances would be $291,087. In addition, the cost of this proposed rule would be low in comparison with its potential benefits. Production, end use, and exposure data and unpublished health and safety studies concerning these substances would substantially improve EPA's ability to identify and assess potential public health and environmental problems with regard to the substances.

The estimated reporting costs (for the chemical industry as a whole) are broken down as follows:

For PAIR	
Initial corporate review to determine if subject to the rule and file search to identify manufacture and importation sites	$72,352
Form completion photocopying, and managerial review	86,688
Subtotal	159,040
For 8(d)	
Cost of file search:	
Initial review	45,900
Site identification	14,688
File search at site	28,512
Listing ongoing studies	1,824
Copying studies	5,933
Managerial reveiw	29,376
Ongoing reporting	5,814
Subtotal	132,047
Total for both reporting activities	291,087

VI. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS–84024). The record includes basic information considered by the Agency in developing this proposed rule. EPA will supplement the record with additional information as it is received. The record now includes the following:

1. *USEPA. 1978.* U.S. Environmental Protection Agency. Chemical Hazard Information Profile (CHIP) for Chloroethane (09/29/78). Washington, DC: U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances.

2. *USEPA. 1980.* U.S. Environmental Protection Agency. Chemical Hazard Information Profile (CHIP). August 1976–August 1978. Washington, DC: U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances.

3. *USEPA. 1981a.* U.S. Environmental Protection Agency. Chemical Hazard Information Profile (CHIP) for Chloroethane (03/02/81). Washington, DC: U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances.

4. *USEPA. 1981b.* U.S. Environmental Protection Agency. Chemical Hazard Information Profile (CHIP) for Dichloropropane (05/08/81). Washington, DC: U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances.

5. *USEPA. 1981c.* U.S. Environmental Protection Agency. Chemical Hazard Information Profile (CHIP) for Ethyl Acrylate (08/06/81). Washington, DC: U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances.

6. *USEPA. 1981d.* U.S. Environmental Protection Agency. Chemical Hazard Information Profile (CHIP) for Dimethylformamide (09/18/81). Washington, DC: U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances.

7. *USEPA. 1984.* U.S. Environmental Protection Agency. Chemical Hazard Information Profile (CHIP) for Diallyl Phthalate (09/04/84). Washington, DC: U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances.

8. *USEPA. 1985.* U.S. Environmental Protection Agency. Chemical Hazard Information Profile (CHIP) for Methyl Bromide (02/20/85). Washington, DC: U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances.

9. *USEPA. 1987.* U.S. Environmental Protection Agency. Economic Impact Analysis for adding Thirty-one Inert Pesticide Ingredients to the Preliminary Assessment Information Rule. Washington, DC: U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances.

10. *USEPA. 1987.* U.S. Environmental Protection Agency. Cost of Amending the Health and Safety Data Reporting Rule for 32 Inert Pesticide Ingredients. Washington, DC: U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances.

The Agency will accept additional materials for inclusion in the record at any time between the date of this proposed rule and EPA's designation of the complete record. EPA will identify the complete rulemaking record by the date of promulgation. A public version of this record, containing sanitized copies of documents from which confidential business information has been removed, is available to the public in the OTS Public Information Office from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The OTS Public Information Office is located in Rm. NE–G004, 401 M. St., SW., Washington, DC.

VII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this proposed rule is not a "major" rule because it does not have an effect on the ecomomy of $100 million or more. The Agency also anticipates that this proposed rule would not have a

significant effect on competition, costs, or prices.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA has determined that this proposed rule would not have a significant impact on a substantial number of small businesses. The section 8(a) PAIR exempts "small" manufacturers and importers (as defined in 40 CFR 712.25) from reporting section 8(a) data on these substances. In a study of respondents to the section 8(d) model rule, EPA found that only 1 of 69 respondents had less than $100 million in sales. EPA does not expect this proposed amendment of the model rule to affect that distribution of burden within the chemical industry.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2070–0054 to the section 8(a) PAIR and OMB control number 2070–0004 to the 8(d) model rule and to subsequent amendments to these rules. Comments on these requirements should be submitted to the OMB Office of Information and Regulatory Affairs, marked Attention: Desk Officer for EPA. The final rule package will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Parts 712 and 716

Chemicals, Environmental protection, Hazardous substances, Health and safety, Recordkeeping and reporting requirements.

Dated: May 4, 1987.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR Parts 712 and 716 be amended as follows:

PART 712—[AMENDED]

1. In Part 712.

a. The authority citation for Part 712 would continue to read as follows:

Authority: 15 U.S.C. 2607(a).

b. Section 712.30 would be amended by adding paragraph (v) to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(v) Manufacturers and importers of the substances listed below must submit a Preliminary Assessment Information Manufacturer's Report for each site at which they manufacture or import each substance by the reporting date shown in the table below. The substances are listed in Chemical Abstract Service Registry Number order. Typically EPA lists the trivial or common name first, then following the symbol "—", EPA lists the substance by its TSCA Substance Inventory name. Whenever EPA lists a single name, the name may be either a trivial name, a common name, or the TSCA Substance Inventory name.

CAS No.	Substance	Effective date	Reporting date
68-12-2	Dimethyl formamide—Formamide, *N,N*-dimethyl-	(/ /)	(/ /)
74-83-9	Methyl bromide—Methane, bromo-	(/ /)	(/ /)
75-00-3	Chloroethane—Ethane, chloro-	(/ /)	(/ /)
75-37-6	1,1-Difluoroethane—Ethane, 1,1-difluoro-	(/ /)	(/ /)
75-43-4	Dichloromonofluoromethane—Methane, dichlorofluoro-	(/ /)	(/ /)
75-45-6	Chlorodifluoromethane—Methane, chlorodifluoro-	(/ /)	(/ /)
75-52-5	Nitromethane—Ethane, nitro-	(/ /)	(/ /)
75-68-3	1-Chloro-1,1-difluoroethane—Ethane, 1-chloro-1,1-difluoro-	(/ /)	(/ /)
79-00-5	1,1-2-Trichloroethane—Ethane, 1,1,2-trichloro-	(/ /)	(/ /)
79-24-3	Nitroethane-Ethane, nitro-	(/ /)	(/ /)
88-04-0	*p*-Chloro-*m*-xylenol—Phenol 4-chloro-3,5-dimethyl-	(/ /)	(/ /)
95-14-7	1,2,3-Benzotriazole—1*H*-Benzotriazole	(/ /)	(/ /)
96-48-0	Butyrolactone—2(3*H*)-Furanane, dihydro-	(/ /)	(/ /)
100-02-7	*p*-Nitrophenol—Phenol, 4-nitro-	(/ /)	(/ /)
101-84-8	Diphenyl oxide—Benzene, 1,1'-oxybis-	(/ /)	(/ /)
102-71-6	Triethanolamine—Ethanol, 2,2',2''-nitrilotris-	(/ /)	(/ /)
107-98-2	1-Methoxy-2-propanol—2-Propanol, 1-methoxyl-	(/ /)	(/ /)
111-42-2	Diethanolamine—Ethanol, 2,2'-iminobis-	(/ /)	(/ /)
111-76-2	2-Butoxyethanol—Ethanol, 2-butoxy-	(/ /)	(/ /)
111-77-3	Diethylene glycol monomethyl ether—Ethanol, 2-(2-methoxyethoxy)-	(/ /)	(/ /)
111-90-0	Diethylene glycol monoethyl ether—Ethanol, 2-(2-ethoxy ethoxy)-	(/ /)	(/ /)
120-32-1	2-Benzyl-4-chlorophenol—Phenol, 4-chloro-2-(phenylmethyl)-	(/ /)	(/ /)
124-16-3	Butoxyethoxy-2-propanol—2-Propanol, 1-(2-butoxyethoxy)-	(/ /)	(/ /)
131-17-9	Diallyl phthalate—1,2-Benzenedicarboxylicacid, di-2-propenylester	(/ /)	(/ /)
142-28-9	1,3-Dichloropropane—Propane, 1,3-dichloro-	(/ /)	(/ /)
577-11-7	Dioctyl sodium sulfosuccinate—Butanedioic acid, sulfo-, 1,4-bis(2-ethylhexyl)ester, sodium salt	(/ /)	(/ /)
5131-66-8	1-Butoxy-2-propanol—2-Propanol, 1-butoxy-	(/ /)	(/ /)
25168-06-3	Isopropyl phenol—Phenol, (1-methylethyl)-	(/ /)	(/ /)
25498-49-1	Tripropylene glycol monomethyl ether—Propanol, [2-(2-methoxymethylethoxy)methylethoxy]-	(/ /)	(/ /)
29385-43-1	Tolyl triazole—1*H*-Benzotriazole, methyl-	(/ /)	(/ /)
34590-94-8	Dipropylene glycol monomethyl ether—Propanol, (2-methoxymethylethoxy)-	(/ /)	(/ /)

PART 716—[AMENDED]

2. In Part 716:

a. The authority citation for Part 716 would continue to read as follows:

Authority: 15 U.S.C. 2607(d).

b. By adding substances to paragraph (a)(1) numerically by CAS Number and alphabetically to paragraph (a)(2) of § 716.120 to read as follows:

§ 716.120 Substances and listed mixtures to which this subpart applies.

(a) * * *

(1) * * *

CAS No.	Substance	Special exemptions	Effective date	Sunset date
*	* * * * * *			
68-12-2	Dimethyl formamide—Formamide, *N,N*-dimethyl-		(/ /)	(/ /)

CAS No.	Substance	Special exemptions	Effective date	Sunset date
*	* * * * * * *			
75-37-6	1,1-Difluoroethane—Ethane, 1,1-difluoro-		(/ /)	(/ /)
*	* * * * * * *			
75-43-4	Dichloromonofluoromethane—Methane, dichlorofluoro-		(/ /)	(/ /)
75-45-6	Chlorodifluoromethane—Methane, chlorodifluoro-		(/ /)	(/ /)
75-52-5	Nitromethane—Methane, nitro-		(/ /)	(/ /)
75-68-3	1-Chloro-1,1-difluoroethane—Ethane, 1-chloro-1,1-difluoro-		(/ /)	(/ /)
*	* * * * * * *			
76-13-1	1,1,2-Trichloro-1,2,2-trifluoroethane—Ethane, 1,1,2-trichloro-1,2,2-trifluoro-		(/ /)	(/ /)
*	* * * * * * *			
79-24-3	Nitroethane—Ethane, nitro-		(/ /)	(/ /)
*	* * * * * * *			
80-62-6	Methyl methacrylate—2-Propenoic acid, 2-methyl-, methyl ester		(/ /)	(/ /)
*	* * * * * * *			
88-04-0	*p*-Chloro-*m*-xylenol—Phenol, 4-chloro-3,5-dimethyl-		(/ /)	(/ /)
*	* * * * * * *			
95-14-7	1,2,3-Benzotriazole—1*H*-Benzotriazole		(/ /)	(/ /)
*	* * * * * * *			
96-48-0	Butyrolactone—2(3*H*)-Furanone, dihydro-		(/ /)	(/ /)
*	* * * * * * *			
97-88-1	Butyl methacrylate—2-Propenoic acid, 2-methyl-, butyl ester		(/ /)	(/ /)
*	* * * * * * *			
100-02-7	*p*-Nitrophenol—Phenol, 4-nitro-		(/ /)	(/ /)
100-41-4	Ethylbenzene—Benzene, ethyl-		(/ /)	(/ /)
*	* * * * * * *			
101-84-8	Diphenyl oxide—Benzene, 1,1'-oxybis-		(/ /)	(/ /)
102-71-6	Triethanolamine—Ethanol, 2,2',2''-nitrilotris-		(/ /)	(/ /)
*	* * * * * * *			
107-98-2	1-Methoxy-2-propanol—2-Propanol, 1-methoxy-		(/ /)	(/ /)
*	* * * * * * *			
111-42-2	Diethanolamine—Ethanol, 2,2'-iminobis-		(/ /)	(/ /)
*	* * * * * * *			
111-76-2	2-Butoxyethanol—Ethanol, 2-butoxy-		(/ /)	(/ /)
111-77-3	Diethylene glycol monomethyl ether—Ethanol, 2-(2-methoxyethoxy)-		(/ /)	(/ /)
111-90-0	Diethylene glycol monoethyl ether—Ethanol, 2-(2-ethoxyethoxy)-		(/ /)	(/ /)
*	* * * * * * *			
120-32-1	2-Benzyl-4-chlorophenol—Phenol, 4-chloro-2-chlorophenol(phenyl methyl)-		(/ /)	(/ /)
*	* * * * * * *			
124-16-3	1-Butoxyethoxy-2-propanol—2-Propanol, 1-(2-butoxyethoxy)-		(/ /)	(/ /)
*	* * * * * * *			
131-17-9	Diallyl phthalate—1,2-Benzenedi carboxylic acid, di-2-propenyl ester		(/ /)	(/ /)
*	* * * * * * *			
140-88-5	Ethyl acrylate—2-Propenoic acid, ethyl ester		(/ /)	(/ /)
*	* * * * * * *			
577-11-7	Dioctyl sodium sulfosuccinate—Butanedioic acid, sulfo-, 1,4-bis(2-ethylhexyl) ester, sodium salt		(/ /)	(/ /)
*	* * * * * * *			
5131-66-8	1-Butoxy-2-propanol—2-Propanol, 1-butoxy-		(/ /)	(/ /)
*	* * * * * * *			
25168-06-3	Isopropyl phenol—Phenol, (1-methylethyl)-		(/ /)	(/ /)
25498-49-1	Tripropylene glycol monomethyl ether—Propanol, [2-(2-methoxy methylethoxy)methylethoxy]-		(/ /)	(/ /)
*	* * * * * * *			
29385-43-1	Tolyl triazole—1*H*-Benzotriazole, methyl-		(/ /)	(/ /)
*	* * * * * * *			
34590-94-8	Dipropylene glycol monomethyl ether—Propanol, (2-methoxymethylethoxy)-		(/ /)	(/ /)
*	* * * * * * *			

(2) * * *

Substance	CAS No.	Special exemptions	Effective date	Sunset date
*	* * * * * * *			
1, 2, 3 = Benzotriazole—1*H*-Benzotriazole	95-14-7		(/ /)	(/ /)
*	* * * * * * *			
2-Benzyl-4-chlorophenol—Phenol, 4-chloro-2-chlorophenol (phenylmethyl)-	120-32-1		(/ /)	(/ /)
*	* * * * * * *			
2-Butoxyethanol—Ethanol, 2-butoxy-	111-76-2		(/ /)	(/ /)
*	* * * * * * *			
1-Butoxyethoxy-2-propanol—2-Propanol, 1-(2-butoxyethoxy)-	124-16-3		(/ /)	(/ /)
1-Butoxy-2-propanol—2-Propanol, 1-butoxy-	5131-66-8		(/ /)	(/ /)
*	* * * * * * *			
Butyl methacrylate—2-Propenoic acid, 2-methyl-, butyl ester	97-88-1		(/ /)	(/ /)
Butyrolactone—2(3*H*)-Furanone, dihydro-	96-48-0		(/ /)	(/ /)
1-Chloro-1, 1-difluoroethane—Ethane, 1-chloro-1, 1-difluoro-	75-68-3		(/ /)	(/ /)
Chlorodifluoromethane—Methane, chlorodifluoro-	75-45-6		(/ /)	(/ /)
*	* * * * * * *			
p-Chloro-m-xylenol—Phenol, 4-chloro-3,5-dimethyl-	88-04-0		(/ /)	(/ /)
*	* * * * * * *			
Diallyl phthalate—1,2-Benzenedi carboxylic acid, di-2-propenyl ester	131-17-9		(/ /)	(/ /)
*	* * * * * * *			
Dichloromonofluoromethane—Methane, dichlorofluoro-	75-43-4		(/ /)	(/ /)
*	* * * * * * *			
Diethanolamine—Ethanol, 2,2'-iminobis-	111-42-2		(/ /)	(/ /)
Diethylene glycol monoethyl ether—Ethanol, 2-(2-ethoxyethoxy)-	111-90-0		(/ /)	(/ /)

Substance	CAS No.	Special exemptions	Effective date	Sunset date
Diethylene glycol monomethyl ether—Ethanol, 2-(2-methoxyethoxy)-	111-77-3		(/ /)	(/ /)
1, 1-Difluoroethane—Ethane, 1, 1-difluoro-	75-37-6		(/ /)	(/ /)
Dimethyl formamide—Formamide, *N, N*-Dimethyl-	68-12-2		(/ /)	(/ /)
Dioctyl sodium sulfosuccinate—Butanedioic acid, sulfo-, 1,4-bis (2-ethylhexyl) ester, sodium salt	577-11-7		(/ /)	(/ /)
Diphenyl oxide—Benzene, 1,1'-oxybis-	101-84-8		(/ /)	(/ /)
Dipropylene glycol monomethyl ether—Propanol, (2-methoxymethylethoxy)-	34590-94-8		(/ /)	(/ /)
Ethyl acrylate—2-Propenoic acid, ethyl ester	140-88-5		(/ /)	(/ /)
Ethylbenzene—Benzene, ethyl-	100-41-4		(/ /)	(/ /)
Isopropyl phenol—Phenol, (1-methylethyl)-	25168-06-3		(/ /)	(/ /)
1-Methoxy-2-propanol—2-Propanol, 1-methoxy-	107-98-2		(/ /)	(/ /)
Methyl methacrylate—2-propenoic acid, 2-methyl-, methyl ester	80-62-6		(/ /)	(/ /)
Nitroethane—Ethane, nitro-	79-24-3		(/ /)	(/ /)
Nitromethane—Methane, nitro-	75-52-5		(/ /)	(/ /)
p-Nitrophenol—Phenol, 4-nitro-	100-02-7		(/ /)	(/ /)
Tolyl triazole—1*H*-Benzotriazole, methyl-	29385-43-1		(/ /)	(/ /)
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane—Ethane, 1, 1, 2-trichloro- 1, 2, 2-trifluoro-	76-13-1		(/ /)	(/ /)
Triethanolamine—Ethanol, 2, 2', 2''-nitrilotris-	102-71-6		(/ /)	(/ /)
Tripropylene glycol monomethyl ether—Propanol, [2-(2-methoxymethylethoxy) methylethoxy]-	25498-49-1		(/ /)	(/ /)

[FR Doc. 87-10905 Filed 5-13-87; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 712

[OPTS-82030; FRL-3200-1]

Chemical Information Rules; Addition of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to add 24 chemical substances to the list of substances identified in the Preliminary Assessment Information Rule (PAIR). Once EPA lists these substances in the PAIR, persons who manufacture or import the listed substances would be required to submit production volume, end use, and exposure data to EPA. The agency will use the reported data to evaluate risks associated with these substances.

DATE: Written comments on this proposed rule should be submitted by June 15, 1987.

ADDRESS: Comments, in triplicate, should bear the docket control number OPTS-82030 and should be submitted to: TSCA Public Information Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

All written comments on this proposed rule will be available for public inspection in Rm. NE-G004 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404.

SUPPLEMENTARY INFORMATION: EPA is proposing to add 24 chemical substances to the list of chemicals identified in PAIR. Once these substances are added to PAIR, manufacturers and importers of these substances would be required to provide EPA with a Preliminary Assessment Information Report for each plant site at which these substances are manufactured or imported.

I. Authority

Pursuant to section 8(a) of the Toxic Substances Control Act (TSCA, 15 U.S.C. 2607(a)), EPA promulgated PAIR (40 CFR Part 712). This model section 8(a) rule established standard reporting requirements for manufacturers and importers of the chemical substances listed in the rule. These manufacturers and importers are required to submit a one-time report on production volume, end use, and exposure using the Preliminary Assessment Information Manufacturer's Report (EPA Form 7710-35). EPA uses this model section 8(a) rule to quickly gather current information on substances of concern.

II. Summary of Proposed Reporting Requirements

Complete details of the reporting requirements, including exemptions and a facsimile of the reporting form, are fully described in 40 CFR Part 712.

TSCA section 8(a) reports must be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm. L-100, 401 M St., SW., Washington, DC 20460, ATTN: PAIR Reporting

SUBSTANCES PROPOSED FOR ADDITION TO PAIR

[Listed alphabetically by TSCA inventory name]

Substances	CAS number
Acetic acid, 2-phenylethyl ester	103-45-7
Barium chloride	10361-37-2
Benzeneethanol	60-12-8
Bromine	7726-95-6
Cyclohexene, 4-ethenyl-	100-40-3
Ferromanganese	12604-53-4
Hydrocyanic acid	74-90-8
Hydrofluoric acid	7664-39-3
Magnesium bydroxide	1309-42-8
Manganese oxide	1313-13-9
Mercury chloride	7487-94-7
Molybdenum oxide	1313-27-5
Nitric acid, silver (1 +) salt	7761-88-8
Palladium chloride	7647-10-1
Phosphorus	7723-14-0
Selenium	7782-49-2
Silver	7440-22-4
Sodium fluoride	7681-49-4
Sodium hydroxide	1310-73-2
Sulfuric acid, cobalt (2 +) salt (1:1)	10124-43-3
Sulfuric acid, manganese (2 +) salt (1:1)	7785-87-7
Titanium dioxide	13463-67-7
Tungsten carbide	12070-12-1
Vanadium oxide	1314-62-1

As part of an ongoing effort to coordinate information gathering requests from different offices in EPA, this proposed rule includes chemical substances nominated by the Office of Air Quality Planning and Standards (OAQPS), and the Office of Toxic Substances. This coordination will lead to efficient use of resources for both industry and the government by avoiding duplicative information

requests by multiple offices in EPA. This savings will be reflected in reduced Agency implementation costs and industry reporting costs.

The nominating office and the particular reasons for each office's information requests on the substances listed in this proposed rule are discussed in Unit III of this proposed rule.

III. Agency Rationale and Objectives

A. Office of Air Quality Planning and Standards

EPA's Office of Air Quality Planning and Standards (OAQPS) needs basic data on the production and emissions of 21 chemical substances and has requested that this information be gathered through adding these substances to the list of substances identified in the PAIR. Once EPA lists these substances in the PAIR, persons who manufacture or import the listed substances would be required to submit production volume, end use, and exposure data to EPA.

A necessary step in the regulatory program for addressing toxic air pollutants is a preliminary ranking and screening of substances that have been identified as potential air pollutants. The purpose of ranking and screening is to be able to select, from a large number of candidates, those substances most deserving of closer attention and further analysis by EPA. Ideally, a full range of toxicological and epidemiological information, coupled with detailed estimates of current emissions and human exposure, would be utilized to rank and screen the identified substances. However, such complete information is seldom, if ever, available. Furthermore, the number of candidates is potentially very large and the resources required to develop complete information prohibitive. For these reasons, early prioritization and screening must be based on limited, readily available data and an evaluation process subsequently used that provides opportunity for further refinement of the list of candidates.

Fourteen of the 21 chemical substances nominated by OAQPS are currently included in the prioritization and screening effort to determine which chemicals are to receive regulatory assessment. Several types of readily available information are used in making this determination. These include health effects information and estimates of the potential for population exposure. The potential for population exposure may be estimated for volatility information and from production volume such as that obtained under this rule. The 14 substances (listed here by the common name) which are being added to the PAIR are: Barium Chloride, Cobaltous Sulfate, Ferromanganese, Magnesium Hydroxide, Manganese Dioxide, Manganese (II) Sulfate (1:1), Molybdenum Trioxide, Palladium (II) Chloride, Silver, Silver Nitrate, Sodium Fluoride, Titanium Dioxide, Tungsten Carbide, and Vanadium Pentoxide.

The extent of the information need is similar to the data gathered through the TSCA Inventory Update Rule, published in the **Federal Register** of June 12, 1986 (51 FR 21438). However, the Inventory Update rule specifically exempts manufacturers and importers of most inorganic substances (including those substances nominated by OAQPS for this proposal rule) from reporting. This exemption was included to avoid unnecessary reporting on the many inorganic substances not currently of interest to EPA for risk assessment review. By using PAIR to selectively obtain needed production, end use, and exposure data on those inorganic substances identified by Agency programs for possible review, EPA can efficiently obtain the data it needs on those specific substances while minimizing overall reporting burdens.

The remaining seven chemical substances nominated by OAQPS have already been selected for regulatory assessment. These substances (again, listed by common name) are: Bromine, Hydrocyanic Acid, Hydrogen Fluoride, Mercuric Chloride, Phosphorus, Selenium, and Sodium Hydroxide. The information gathered on these substances will serve as part of the basis for decisions on the need to further assess the substances as toxic air pollutants under the Clean Air Act (42 U.S.C. 7401–7626.) Listing these substances under PAIR does not indicate that they are going to be regulated under the Clean Air Act, only that they are undergoing regulatory assessment.

B. Office of Toxic Substances

The Office of Toxic Substances (OTS) needs up-to-date information on the manufacture and import of three chemical substances whose common names are: 2-phenylethanol, 2-phenylethyl acetate, and 4-vinylcyclohexene. The information obtained on these substances will be used by OTS in risk analysis. These substances are discussed in the paragraphs below.

1. 2-Phenylethanol and 2-Phenylethyl Acetate

EPA is proposing to add 2-phenylethanol, CAS No. 60–12–8, and 2-phenylethyl acetate, CAS No. 103–45–7, to the PAIR list. EPA's primary concern for both 2-phenylethanol and 2-phenylethyl acetate is their use as a fragrance in detergents, and in air fresheners that are used in airplanes and in various public places. The chemical substance 2-phenylethanol imparts a rose odor, while 2-phenylethyl acetate has a peach-like fragrance. 2-Phenylethanol is also used as an intermediate in organic synthesis and has been patented recently for use as a solvent in gelled, nonpigmented wood stains and in hard surface cleaners.

Worker exposure to 2-phenylethanol during the chemical manufacturing process may be limited by the use of closed batch production processes. Consumers can be exposed to 2-phenylethanol and 2-phenylethyl acetate as a result of the use of detergents and air-fresheners. Consequently, consumer exposure can occur by inhalation and dermal contact. Since 2-phenylethanol has reported teratogenic activity, these exposures are of particular concern.

There is no up-to-date information on the import and manufacture volumes of 2-phenylethanol and 2-phenylethyl acetate. Because these data would be important for risk analysis on these two substances, EPA is proposing to add 2-phenylethanol and 2-phenylethyl acetate to the PAIR list.

2. 4-Vinylcylohexene

EPA is proposing to add 4-vinylcyclohexene, CAS No. 100–40–3, to the list of chemical substances identified in the PAIR. The primary use of 4-vinylcyclohexene is as a site-limited intermediate in the production of 4-vinylcyclohexene diepoxide, which is then used to make epoxy resins. 4-Vinylcyclohexene is also a byproduct of synthetic rubber production. Exposure could occur dermally or through inhalation. Studies on 4-vinylcyclohexene showed limited evidence of carcinogenicity. No data are available on worker exposure during manufacture and use in the United States. This information is necessary to determine if a risk assessment is required.

IV. Release of Aggregate Data

The Agency may release aggregate statistics according to the procedures prescribed in a rule related notice published in the **Federal Register** of June 13, 1983 (48 FR 27041). Included in the notice are procedures for requesting exemptions from the release of aggregate data. Exemption requests concerning the release of aggregate data on any chemical substance must be

received by EPA no later than 60 days after the effective date of the final rule.

V. Economic Analysis

EPA estimates the total reporting cost of this proposed rule would be $596,400. To calculate this figure EPA used the non-CBI TSCA Inventory plus current information from other published sources to generate a list of manufacturers and importers of these chemical substances. After excluding firms which reported no production or importation, 324 companies were identified as possible manufacturers or importers of the substances. Since 45 of these companies may qualify as a small business as defined in 40 CFR 712.25(c), EPA expects 279 firms to report a total of 420 reports.

The estimated total reporting costs are as follows:

420 reports at $774/report	$325,080
Plus 420 familiarization cases at $646 case	271,320
Total	596,400
Average cost per site equals	1,420
Average cost per firm equals	2,138

VI. Rulemaking Record

The following documents constitute the rulemaking record for this proposed rule (docket control number OPTS-82030). All of these documents are available to the public in the OTS Public Reading Room from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The OTS Reading Room is located at EPA Headquarters, Rm. NE-G004, 401 M St., SW., Washington, DC.

1. Preliminary Assessment Information Rule (40 CFR Part 712).

2. Economic analysis of this proposed rule.

3. A chemical hazard informaton profile for 4-Vinylcyclohexene.

4. A chemical hazard information profile for 2-Phenylethanol and 2-Phenylethyl Acetate.

5. Health effects and use information on the OAQPS chemical substances nominated for this rule.

EPA will identify the complete rulemaking record on or before the date of promulgation of the final rule, as prescribed by section 19(a)(3) of TSCA, and will accept additional material for inclusion in the record at any time between the date of this document and the designation of the complete record for this rule.

VII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a regulatory impact analysis. The Agency has determined that this proposed rule is not "major" because it would not have an effect of $100 million or more on the economy. EPA also anticipates that this proposed rule would not have a significant effect on competition, costs, or prices.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Since this proposed rule would exempt "small" manufacturers and importers (as defined in 40 CFR 712.25(c)) from reporting on these substances, EPA has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. and has assigned OMB Control Number 2070-0054. Comments on these requirements should be submitted to OMB's Office of Information and Regulatory Affairs, marked "Attention: Desk Officer for EPA." The final rule package will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Part 712

Chemicals, Environmental protection, Recordkeeping and reporting requirements.

Dated: May 4, 1987.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR Part 712 be amended as follows:

PART 712—[AMENDED]

1. The authority citation for Part 712 would continue to read as follows:

Authority: 15 U.S.C. 2607(a).

2. In § 712.30(v) by adding in CAS No. sequence certain chemical substances to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(v) * * *

CAS No.	TSCA chemical substance inventory name	Effective date	Reporting date
	* * * * * * *		
60-12-8	Benzeneethanol	(/ /87)	(/ /87)
	* * * * * * *		
74-90-8	Hydrocyanic acid	(/ /87)	(/ /87)
	* * * * * * *		
100-40-3	Cyclohexene, 4-ethenyl-	(/ /87)	(/ /87)
	* * * * * * *		
103-45-7	Acetic acid, 2-phenylethyl ester	(/ /87)	(/ /87)
	* * * * * * *		
1309-42-8	Magnesium hydroxide	(/ /87)	(/ /87)
1310-73-2	Sodium hydroxide	(/ /87)	(/ /87)
1313-13-9	Manganese oxide	(/ /87)	(/ /87)
1313-27-5	Molybdenum oxide	(/ /87)	(/ /87)
1314-62-1	Vanadium oxide	(/ /87)	(/ /87)
	* * * * * * *		
7440-22-4	Silver	(/ /87)	(/ /87)
7487-94-7	Mercury chloride	(/ /87)	(/ /87)
7647-10-1	Palladium chloride	(/ /87)	(/ /87)
7664-39-3	Hydrofluoric acid	(/ /87)	(/ /87)
7681-49-4	Sodium fluoride	(/ /87)	(/ /87)
7723-14-0	Phosphorus	(/ /87)	(/ /87)
7726-95-6	Bromine	(/ /87)	(/ /87)
7761-88-8	Nitric acid, silver (1+) salt	(/ /87)	(/ /87)
7782-49-2	Selenium	(/ /87)	(/ /87)
7785-87-7	Sulfuric acid, manganese (2+) salt (1:1)	(/ /87)	(/ /87)
10124-43-3	Sulfuric acid, cobalt (2+) salt (1:1)	(/ /87)	(/ /87)
10361-37-2	Barium chloride	(/ /87)	(/ /87)
12070-12-1	Tungsten carbide	(/ /87)	(/ /87)

CAS No.	TSCA chemical substance inventory name	Effective date	Reporting date
12604-53-4	Ferromanganese	(/ /87)	(/ /87)
13463-67-7	Titanium oxide	(/ /87)	(/ /87)

[FR Doc. 87-10906 Filed 5-13-87; 8:45 am]

BILLING CODE 6560-50

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-6]

Amendment of Part 73 To Authorize the Use of Multiple Synchronous Transmitters by AM Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry; extension of comment period.

SUMMARY: This order extends the time for filing comments in MM Docket No. 87-6, concerning use of multiple synchronous transmitters by AM broadcast stations (52 FR 8085, March 16, 1987), in response to a Motion for Extension of Time filed by the Association for Broadcast Engineering Standards, Inc.

DATES: Comments must be filed on or before July 7, 1987, and reply comments on or before August 6, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Bernard Gorden, Policy and Rules Division, Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Order Granting Motion for Extension of Time for Filing Comments

In the matter of amendment of Part 73 to authorize the use of Multiple Synchronous Transmitters by AM Broadcast Stations; MM Docket No. 87-6.

Adopted: April 30, 1987.

Released: May 5, 1987.

By the Chief, Mass Media Bureau.

1. On January 15, 1987, the Commission adopted a *Notice of Inquiry* in MM Docket No. 87-6 to consider provision of standards for the use of multiple synchronous transmitters by AM broadcast stations. The *Inquiry* was released on March 3, 1987, with comments due by May 4, 1987 and reply comments due by June 3, 1987.

2. On April 28, 1987, the Association For Broadcast Engineering Standards, Inc. ("ABES"), by its attorneys, submitted a motion for extension of time for filing comments and reply comments to July 7, 1987 and August 7, 1987, respectively. ABES argues that the requested extension is necessary in order to allow for the filing by station KROL, Laughlin, Nevada of the first test data and reports from its developmental AM synchronous transmitter operations. ABES states that it has been anxiously awaiting this filing, particularly because the measurements and data from the KROL tests would enhance the record in the captioned proceeding and could form the basis of very useful comments. ABES anticipates that the initial reports from KROL would be filed very soon and that a 60 day extension would allow parties sufficient time to comment on these reports.

3. Keeping in mind that § 1.46(a) of the Commission's rules provides that extensions of time should not be routinely granted, we believe that the circumstances in this case warrant grant of an extension of 60 days for submission of comments. In granting the experimental (developmental) authorizations for station KROL and others, we set as a condition of those grants that licensees file comments to the *Inquiry* and make detailed progress reports on their operations. None of these licensees, however, have yet to commence operational testing. Therefore, in light of their delay in initiating these experimental operations and the critical role the results of these tests were to have played in this proceeding, an extension of time is appropriate. It will provide commenters to this proceeding an opportunity to prepare and present their views on data from actual operations of synchronous transmitters. The critical importance of these results to the ultimate success of this docket outweighs any resultant delay.

4. Accordingly, it is ordered that the Motion To Extend Comments filed by the Association For Broadcast Engineering Standards, Inc. is granted and that the dates for filing comments and reply comments are extended to July 7, 1987 and August 6, 1987, respectively.

5. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and §§ 0.204(b), 0.283, 1.46 and 1.45 of the Commission's rules.

Federal Communications Commission.

James C. McKinney,

Chief, Mass Media Bureau.

[FR Doc. 87-10742 Filed 5-13-87; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 52, No. 93
Thursday, May 14, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

VISTA Region 6 Literacy Corps Project; Availability of Funds

AGENCY: ACTION.

ACTION: Notice of Availability of Funds; VISTA Region 6 Literacy Corps Project.

ACTION Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas, Kansas, Missouri) announces the availability of funds for fiscal year 1987 for a new VISTA Literacy Corps grant authorized by section 109 of the Domestic Volunteer Service Act Amendments of 1986 (Pub. L. 99–551). The VISTA Literacy Corps grant will be awarded for up to a twelve month period. No requests for renewals or continuations may be sought by the grantee under this announcement.

Application packages and technical assistance on grant preparation are available from: Region 6—Willard Labrie, ACTION, 626 Main Street, Suite 102, Baton Rouge, Louisiana 70801, 504–389–0471.

A. Background and Purpose

Congress created Volunteers In Service To America (VISTA) in 1964 to alleviate and eliminate poverty and its related problems in the United States. VISTA is a full-time, year-long volunteer program which encourages and enables men and women 18 years and older from all backgrounds to perform meaningful and constructive volunteer service. The Volunteers live among, and at the economic level of, the low-income people served. The VISTA program has served poor individuals most effectively by assisting low-income communities and residents to develop the facility, skills, and resources needed for achieving self-sufficiency. VISTA also enlists the commitment and support of the private sector toward attainment of this goal. Literacy training and education represent a longstanding and integral part of the VISTA mission. VISTA Volunteers have been involved in the mobilization of community efforts to combat illiteracy among disadvantaged populations since the inception of the VISTA program.

The Domestic Volunteer Service Act Amendments of 1986 directed the VISTA program to commit additional volunteers to the literacy challenge through the formation of the VISTA Literacy Corps.

The statutory purpose of the VISTA Literacy Corps is to use VISTA Volunteers in developing, strengthening, supplementing and expanding the literacy efforts of both public and private nonprofit organizations at the local, State, and Federal levels to mobilize local, State, Federal and private sector financial and volunteer resources in attacking the problem of illiteracy particularly within low-income areas throughout the United States. In addition, the VISTA Literacy Corps will encourage public/private partnerships; promote voluntarism; heighten the visibility of the literacy issue; and increase the capacity of low-income communities to address their respective literacy needs.

Objectives

ACTION will be awarding a grant for the placement of ten (10) VISTA Literacy Corps Volunteers in Region 6 in the following emphasis area:

Literacy projects that address the needs of low-income people who read below the fourth grade level. Priority consideration will be given to literacy programs affiliated with libraries; and to projects that focus on the overall concerns of low-income families in need.

B. Eligible Applicants

Eligible applicants for the VISTA Literacy Corps grant include: Public or private nonprofit agencies; local, State and national literacy councils and organizations; community-based nonprofit organizations; local and State education agencies; local and State agencies administering adult basic education programs; educational institutions; libraries, anti-poverty organizations; and local, municipal and State governmental entities designated to administer job training plans under the Job Training Partnership Act.

C. Scope of Grant

The amount of the grant includes the monthly subsistence and readjustment allowance for VISTA Volunteers. This support is commensurate to the cost-of-living of the assignment area and covers the cost of food, housing and incidentals, and a monthly stipend paid to VISTA Literacy Corps Volunteer upon completion of his/her service.

Applicants should demonstrate their commitment for matching the Federal contribution toward the operation of the VISTA Literacy Corps grant in the areas of transportation, supervision, and/or training. This support can be achieved through cash or allowable in-kind contributions.

Publication of this announcement does not obligate ACTION to award any specific number of grants or to obligate the entire amount of funds available, or any part thereof, for grants under the VISTA Literacy Corps Program.

D. General Criteria for Grant Selection

The general criteria for the VISTA Literacy Corps projects are consistent with those established for the selection of VISTA sponsors and projects. All of the following elements must be incorporated in the applicant's submission.

The project must:

- Be poverty-related in scope and otherwise comply with the provisions of the Domestic Volunteer Service Act of 1973 as amended (42 U.S.C. 4951, *et seq.*) applicable published regulations, guidelines and ACTION policies
- Comply with applicable financial and fiscal requirements established by ACTION or other elements of the Federal Government
- Show that the goals, objectives, and volunteer tasks are attainable within the time frame during which the volunteers will be working on the project and will produce a measurable and verifiable result
- Provide for reasonable efforts to recruit and involve low-income community residents in the planning, development and implementation of the VISTA project
- Outline specific plans for the continuation of program activities upon the termination of ACTION funds
- Have evidence of local public and private sector support (in the form of endorsement letters limited to those

organizations, government entities,and institutions that are aware of and will be involved in supporting the VISTA projects efforts.

• Have a permanent mechanism for self-evaluation

• Provide frequent and effective supervision of the volunteers

• Identify resources needed and make them available to volunteers to perfrom their tasks

• To have the management and technical capability to implement the project successfully.

In addition to the general criteria, the authorizing statute stipulates that priority consideration will be given to the following literacy programs and projects that apply for funding:

• Those that assist individuals in greatest need of literacy training who reside in unserved or underserved areas with the highest concentration of illiteracy and of low-income individuals and families;

• Those that serve individuals reading at the zero to fourth grade levels;

• Those that focus on providing services to high risk populations, e.g., school dropouts and minority youth

• Those that operate in areas with the highest concentration of individuals and families living at or below the poverty level;

• Those providing literacy services to parents of disadvantaged children between the ages of two and eight who may be educationally at risk, and

• Statewide progarms and projects that support the creation of new literacy efforts, encourage coordination of intrastate literacy efforts and provide technical assistance to local literacy efforts.

E. Application Review Process

ACTION Region 6 will review and evaluate all eligible applcations prior to sumbission to the Director of VISTA and Service-Learning Program, ACTION, for the final selections. ACTION reserves the right to ask for evidence of any claims of past performance or future capability.

F. Application Submission and Deadline

One signed original and two copies of all completed applications must be submitted to the appropriate Regional Director as noted in paragraph 2 of this announcement. The deadline for receipt of applications in 5 pm local time July 15, 1987. Applications post-marked 5 days before the deadline date will also be accepted for consideration.

All grant applications must consist of:

a. Application for Federal Assistance (A–1017, Pages 1–9) and VISTA Project Application (Form A–1421) with a detailed budget justification and a narrative of project goals and objectives.

b. CPA certification of accounting capability.

c. Copy of recent Articles of Incorporation, or a letter of good standing from the Governor's Office.

d. Proof of non-profit status or an application for non-profit status, and related documentation.

e. Resume of potential VISTA Supervisor, if available, or the resume of the director of applicant agency or project.

f. Organizational chart illustrating the relationship of the VISTA project to the overall objectives of the sponsor organization.

g. The professional affiliations and/or literacy-related activities of Board of Director Members should be specified.

Signed at Washington, DC, this 8th day of May, 1987.

Donna M. Alvarado,

Director.

[FR Doc. 87–11046 Filed 5–13–87; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Commodity Credit Corporation

1987–88 National Marketing Quota and Price Support Level for Burley Tobacco

AGENCY: Agricultural Stabilization and Conservation Service (ASCS) and Commodity Credit Corporation (CCC), United States Department of Agriculture (USDA).

ACTION: Notice of determinations of 1987–88 marketing quota.

SUMMARY: The purpose of this notice is to affirm determination made by the Secretary of Agriculture with respect to the 1987 crop of burley tobacco in accordance with the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended. In addition to other determinations, the Secretary of Agriculture determined the 1987 marketing quota for burley tobacco to be 464 million pounds, 6 percent below last year's quota, and that the price support level would be $1.488 per pound.

EFFECTIVE DATE: February 2, 1987.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultual Economist, Commodity Analysis Division, ASCS, Room 3736-South Building, P.O. Box 2415, Washington, DC 20013, (202) 447–5187. The Final Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified "not major." This action has been classified "not major" since implementation of these determinations will not result in: (1) An annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical region, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loan and Purchases; Number 10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since neither the Agricultural Stabilization and Conservation Service (ASCS) nor the Commodity Credit Corporation (CCC) are required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This notice of determination is issued in accordance with the Agricultural Adjustment Act of 1938, as amended (the "1938 Act"), and the Agricultural Act of 1949, as amended (the "1949 Act"), in order to announce for the 1987 marketing year for burley tobacco the following:

1. The amount of domestic manufacturers' intentions;

2. The amount of the average exports for the 1984, 1985, and 1986 crop years;

3. The amount of the reserve stock level;

4. The amount of adjustment needed to maintain loan stocks at the reserve stock level;

5. The amount of the national marketing quota;

6. The national acreage reserve:

A. For establishing acreage allotments for new farms, and

B. For making corrections and adjusting inequities in old farms;

7. The national factor; and

8. The price support level.

The determinations set forth in this notice have been made on the basis of the latest available statistics of the Federal Government and after due consideration of data, views, and recommendations received from burley tobacco producers and others pursuant to a proposed Notice of Determination (52 FR 693) which was published on January 8, 1987.

Discussion

Thirteen written comments were received during the comment period. Most commentors requested that the 1987 burley tobacco marketing quota be maintained at the 1986 level. Reasons cited were prospects for an upswing in cigarette exports, particularly to the Far East, as well as the modest inventory of 1985 and 1986 crops held by the loan associations, the need to avoid a shortage that would prompt further imports, and the need to protect the livelihood of individual producers. The 1938 Act provides that the marketing quota must equal the sum of:

(1) Domestic manufacturers' intentions to purchase; (2) the 3-year average (1984–86) exports; and (3) an adjustment to maintain loan stocks at the reserve stock level—subject to a maximum reduction of 6 percent below the previous year's quota. Since the sum of these 3 components is significantly less than 94 percent of the previous year's quota, the use of the discretionary element in this determination would not affect the size of the 1987 burley tobacco marketing quota.

Six commentors were concerned that the quota formula did not project sufficient export sales and the cost estimates did not reflect certain cost increases experienced in the 1986 season. The formula for establishing the national marketing quota is set by statute and can only be estimated for the third year of the trailing three-year average rather than for the year for which the quota is being determined. The cost index has been revised to reflect these additional costs.

Six commentors emphasized the need to have the export estimate high enough to cover increased export sales in markets experiencing substantial sales growth. Due to under production in 1986, the final 1987 burley tobacco marketing quota results in a 6 percent increase in the effective marketing quota for 1987, which will provide an ample supply for increased export sales.

Marketing Quotas

Section 319 of the 1938 Act (7 U.S.C. 1314e) provides, in part, that the national marketing quota for a marketing year for burley tobacco is the quantity of such tobacco that is not more than 103 percent and not less than 97 percent of the total of: (1) The amount of burley tobacco that domestic manufacturers of cigarettes estimate they intend to purchase on U.S. auction markets or from producers, (2) the average quantity exported annually from the U.S. during the three marketing years immediately preceding the marketing year for which the determination is being made, and (3) the quantity, if any, necessary to adjust loan stocks to the reserve stock level. Section 319(a)(3)(B) further provides that, with respect to the 1986 through 1989 marketing years, any reduction in the national marketing quota being determined shall not exceed six percent of the previous year's national marketing quota. The "reserve stock level" is defined in section 301(b)(14)(D) of the 1938 Act as the greater of 50 million pounds or 15 percent of the national marketing quota for burley tobacco for the marketing year immediately preceding the marketing year for which the level is being determined.

Section 320A of the 1983 Act provides that all domestic manufacturers of cigarettes with more than 1 percent of U.S. cigarette production and sales shall submit to the Secretary a statement of purchase intentions for the 1987 crop of burley by January 15, 1987. Six such manufacturers were required to submit such a statement for the 1987 crop and the total of their intended purchases for the 1987 crop was 293.7 million pounds.

Burley tobacco exports, as recorded by the Bureau of Census, were 153.6 million pounds for the 1984–85 marketing year (October-September) and 150.6 million pounds for the 1985–86 year. World Agricultural Outlook Board, USDA, estimates the Census-recorded exports will total 150.0 million pounds for the 1986–87 marketing year, making the projected 3-year average 151.4 million pounds.

However, domestic cigarette manufacturers export a certain amount of processed tobacco (blends) declared as unmanufactured tobacco exports, but which are included in the domestic manufacturers' purchase intentions. Also, some leaf exporters may declare as burley tobacco certain blends containing foreign-grown tobaccos. Because of these conditions, the Secretary adjusted burley exports to more accurately reflect actual exports. Accordingly, the revised export totals are: 1984, 141.3 million pounds; 1985, 164.6 million pounds; and 1986, 150.8 million pounds. The 3-year average is 152.2 million pounds. This is the same as given in the proposed notice.

In accordance with section 301(b)(14)(D) of the 1938 Act, the reserve stock level is the greater of 50 million pounds or 15 percent of the 1986 marketing quota for burley tobacco. The national marketing quota for the 1986 crop year was 493.5 million pounds (51 FR 28849). Accordingly, the reserve stock level for use in determining the 1987 marketing quota for burley tobacco is 74 million pounds.

As of January 23, 1987 the two associations which hold loan tobacco had in their inventory 107.7 million pounds (excluding pre-1985 stocks committed to be purchased by manufacturers and covered by deferred sales). Accordingly, the adjustment in the quota to maintain loan stocks at the reserve supply level is a decrease of 33.7 million pounds.

The total of the three marketing quota components for the 1987–88 marketing year is 412.2 million pounds. This is over 16 percent below the previous year's quota. Since the 1938 Act further provides that the 1987 marketing quota cannot be reduced by more than 6 percent in a year the marketing quota for 1987 is 463.9 million pounds, 94 percent of 1986's national marketing quota.

In accordance with section 319(c) of the 1938 Act (7 U.S.C. 1314(e)), the Secretary is authorized to establish a national reserve from the national acreage allotment in an amount equivalent to not more than 3 percent of the national acreage allotment for the purpose of making corrections in farm acreage allotments, adjusting for inequities, and for establishing allotments for new farms. The Secretary has determined that a national reserve for the 1987 crop of burley tobacco of 250,000 pounds is adequate for these purposes.

Price Support

Price support is required to be made available for each crop of a kind of tobacco for which quotas are in effect, or for which marketing quotas have not been disapproved by producers, at a level which is determined in accordance with a formula prescribed in section 106 of the 1949 Act. With respect to the 1987 crop of burley tobacco, the level of support is determined in accordance with sections 106 (d) and (f) of the 1949 Act.

Section 106(f)(4) of the 1949 Act provides that the level of support for the 1987 crop of burley tobacco shall be: (1) The level in cents per pound at which the 1986 crop of burley tobacco was

supported, plus or minus, respectively, (2) an adjustment of not less than 65 percent nor more than 100 percent of the total, as determined by the Secretary after taking into consideration the supply of the kind of tobacco involved in relation to demand, of:

(A) 66.7 percent of the amount by which:

(I) The average price received by producers for burley tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, is greater or less than

(II) The average price received by producers for burley tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year prior to the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; and

(B) 33.3 percent of the change, expressed as a cost per pound of tobacco, in the index of prices paid by burley tobacco producers from January 1 to December 31 of the calendar year immediately preceding the year in which the determination is made.

For the purpose of calculating the market-price component of the support level, the 1949 Act provides that the average market price be reduced 3.9 cents per pound for the 1985 marketing year and 30 cents per pound for prior marketing years.

The difference between the two 5-year averages (between (A)(I) and (A)(II)) is 2.0 cents per pound, down 0.1 cent from what was estimated in the proposed notice. The difference in the cost index from January 1 to December 31, 1986 is −3.9 cents per pound, which is an increase from −4.4 cents per pound that was set forth in the proposed notice. The revised data are as follow:

1. Prices Paid Adjustment.

Crop	Average auction prices (cents per pound)		5 year average (excluding high and low)	Change
	Actual	Adjusted		
1981	180.7	150.7		
1982	181.0	151.0		
1983	177.3	147.3		
1984	187.6	157.6		
1985	159.4	155.4	152.4	
1986	156.6	156.6	154.4	+2.0

*2. Cost Index.**

Cost item	Cost per acre	
	1985	1986
Variable:		
Labor [1]	$1,167.42	$1,125.01
Plant bed materials [2]	78.56	77.01
Fertilizer and lime	145.12	131.01
Chemicals [3]	82.08	80.76
Fuel and lubrication [4]	36.38	25.05
Curing fuel and heating fuel [5]	4.84	4.35
Repairs [6]	27.77	27.45
Marketing fee	179.10	166.33
Inspection and grading fee	12.36	10.99
Other [7]	15.30	15.30
Interest	26.34	24.13
Total variable	1,775.27	1,687.39
Machinery and barn ownership [8]	519.00	521.74
Total, variable and ownership	2,294.27	2,209.13
Yield (pounds)	2,247	1,998
10-year average yield (pounds)	2,170	2,170
Cost per pound (cents)	105.7	101.8

[1] Includes operator, family, exchange, and hired labor value at prevailing wage rates.
[2] Includes seed, fertilizer, pesticides, and custom fumigation and canvas.
[3] Includes insecticides, herbicides, fungicides, and sucker control chemicals.
[4] Includes tractor and machinery fuel and lubrication.
[5] Supplemental heat and heat for stripping room.
[6] Includes machinery, equipment, and barn repairs.
[7] Includes cover crop seed and other miscellaneous expenses.
[8] Includes a reserve for replacement, interest, taxes and insurance for tractors, machinery, barns, and stripping room.

Applying these components to the price support formula (2.0 cents per pound, two-thirds weight; −3.9 cents per pound, one-third weight) result in no change in the level of price support from the previous year. Accordingly, the 1987 crop of burley tobacco will be supported at 148.8 cents per pound.

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*Costs are based on a 1985 survey of burley tobacco growers' 1984 operation. These estimates replace previous estimates that used 1976 data as a base.

Determinations 1987–88 Marketing Year

Accordingly, the following determinations have been made for burley tobacco for the marketing year beginning October 1, 1987;

(a) *Domestic manufacturers' intentions.* Manufacturers' intentions to puchase for the 1987 year totaled 293.7 million pounds.

(b) *3-year average exports.* The 3-year average of exports is 152.2 million pounds, based on exports of 141.3 million pounds, 164.6 million pounds and 150.8 million pounds for the 1984, 1985, and 1986 crop years, respectively.

(c) *Reserve stock level.* The reserve stock is 74 million pounds, based on 15 percent of 1986's national marketing quota of 493.5 million pounds.

(d) *Adjustment for the reserve stock level.* The adjustment for the reserve stock level is 33.7 million pounds, based on a reserve stock level of 74 million pounds and anticipated loan holdings of 107.7 million pounds.

(e) *National marketing quota.* The national marketing quota is 463.9 million pounds.

(f) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm acreage allotments and for establishing allotments for new farms has been determined to 250,000 pounds.

(g) *National acreage factor.* The national factor is determined to be 0.94.

(h) *Price support level.* The level of support is 148.8 cents per pound based on a 1986 support level of 148.8 cents per pound with no adjustment. This is based on 2.0 cents per pound increase in the market price component (⅔ weight) and 3.9 cents per pound decrease in the cost component (⅓) weight.

(Secs. 301, 313, 317, 375, 52 Stat. 38, as amended 47, as amended, 79 Stat. 66, as amended, 52 Stat. 66, as amended (7 U.S.C. 1301, 1313, 1314c, 1375); Secs. 106, 401, 74 Stat. 6, as amended, 63 Stat. 1054, as amended (7 U.S.C. 1445, 1421))

Signed at Washington, DC on May 8, 1987.

Milton J. Hertz,

Administrator, Agricultural Stabilization and Conservation Service and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 87–11060 Filed 5–13–87; 8:45 am]

BILLING CODE 3410–05–M

Soil Conservation Service

Tensed/Lolo Watershed, ID; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Tensed/Lolo Watershed, Benewah Country, Idaho.

FOR FURTHER INFORMATION CONTACT: Stanley N. Hobson, State Conservationist, Soil Conservation Service, 304 North 8th Street, Rm. 345 Boise, Idaho 83702, telephone (208) 334–1601.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Stanley N. Hobson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns land treatment measures to be applied on critically eroding cropland to control sheet, rill and gully erosion and the subsequent off-site sedimentation problems.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the address on the previous page. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Stanley N. Hobson.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: May 5, 1987.

Rodney M. Alt,

Deputy State Conservationist.

[FR Doc. 87–10968 Filed 5–13–87; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–607]

Fabric and Expanded Neoprene Laminate From Taiwan; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have preliminarily determined that fabric and expanded neoprene laminate (FENL) from Taiwan is being, or is likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the U.S. Customs Service to suspend the liquidation of all entries of FENL from Taiwan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimate dumping margins as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make our final determination by July 22, 1987.

EFFECTIVE DATE: May 14, 1987.

FOR FURTHER INFORMATION CONTACT: Paul Tambakis or Charles Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S.. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377–4136 or 377–5288.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that FENL from Taiwan is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). The weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

On December 23, 1986, we received a petition filed in proper form from Rubatex Corporation of Bedford, Virginia, on behalf of domestic manufacturers of FENL. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or threaten material injury to, a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on January 12, 1987 (52 FR 2133, January 20, 1987), and notified the ITC of our action. On February 6, 1987, the ITC determined that there is reasonable indication that imports of fabric and expanded neoprene laminate from Taiwan are materially injuring a U.S. industry (US ITC Pub. No. 19445).

On January 26, 1987, we presented an antidumping duty questionnaire to Shei Chung Hsin Industrial Co., Ltd. (SHEICO) and requested a response in 30 days. On February 11, 1987, respondent requested an extension of the due date for the questionnaire response. We granted the respondent at two-week extension. We received a response to the sales questionnaire on March 11, 1987. Between March 20 and April 8, 1987, the Department requested supplemental information. Supplemental responses were received on March 27 and April 15, 1987.

Scope of Investigation

The product covered by this investigation is fabric and expanded neoprene laminate, as provided for in items 355.8100, 355.8210, 355.8220, 359.50900 and 359.6000 of the *Tariff Schedules of the United States Annotated* (TSUSA). This material is used primarily in the manufacture of wet suits and similar products for the scuba diving and recreational markets.

Fair Value Comparisons

We made Comparisons on approximately 99 percent of the sales of FENL to the United States during the period of investigation, July 1 through December 31, 1986. Because SHEICO accounted for over 70 percent of all sales of this merchandise from Taiwan, we limited our investigation to this company.

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value for the company under investigation using data provided in the responses.

United States Price

For certain sales by SHEICO, we based United States price on exporter's sales price (ESP), in accordance with section 772(c) of the Act, since the sale to the first unrelated purchaser took place in the United States. For those sales by SHEICO made directly to unrelated parties in the United States prior to importation, we based the United States price on purchase price in accordance with section 772(b) of the Act.

For sales which were made through a related sales agent in the United States to an unrelated purchaser prior to the date of importation, we used purchase price as the basis for determinig United States price. For these sales, the Department determined that purchase price was the most appropriate indicator of United States price based on the following elements:

1. The merchanise in question was shipped directly from the manufacturer to the unrelated buyer, without being introduced into the inventory of the related selling agent;

2. This was the customary commercial channel for sales of this merchandise between the parties involved; and

3. The related selling agent located in the United States acted only as the processor of sales-related documentation and a communication link with the unrelated U.S. buyer.

Where all the above elements are met we regard the routine selling functions of the exporter as having been merely relocated geographically from the county of exportation to the United States, where the sales agency performs them. Whether these functions are done in the United States or abroad does not change the substance of the transactions of the functions themselves.

In instances where merchandise is ordinarily diverted into the related U.S. selling agent's inventory, we regard this factor as an important distinction because it is associated with a materially different type of selling activity than the mere facilitation of a transaction such as occurs of a direct shipment to an unrelated U.S. purchaser. In situations where the related party places the merchandise into inventory, he commonly incurs substantial storage and financial carrying costs and has added flexibility in this marketing. We also use the inventory test because it can be readily understood and applied by respondents who must respond to Department questionnaires in a short period of time. It is objective in nature, as the final destination of the goods can be established from normal commercial documents associated with the sale and verified with certainty.

We calculated purchase price and exporter's sales price based on the packed, f.o.b., c.&i., c.&f. duty unpaid, or c.i.f. duty paid prices to unrelated purchasers in the United States. We made deductions, where appropriate, for foreign inland freight, brokerage and handling charges, ocean, freight, marine insurance, U.S. duty and U.S. inland freight. Where we used exporter's sales price, we made additional deductions for credit expenses, other U.S. selling expenses, and commissions. We made additions to both purchase price and exporter's sales price for duty drawback (i.e., import duties which were rebated, or not collected, by reason of the exportation of the merchandise to the United States) pursuant to section 772(d)(1)(B) of the Act.

Foreign Market Value

In accordance with section 773(a)(1)(B) of the Act, we calculated foreign market value based on sales for export to a country other than the United States (a "third country"), since SHEICO had insufficient home market sales of FENL. We calculated foreign market value based on the packed, c.i.f., f.o.b., c.&f., or c.&i., duty unpaid prices to unrelated purchasers in Australia. We made deductions where appropriate for brokerage and handling, foreign inland freight marine insurance, and ocean freight.

When we compared foreign market value to purchase price sales, we made adjustments for differences in credit and warranty expenses, in accordance with § 353.15 of the regulations (19 CFR 353.15).

When we compared foreign market value with exporter's sales price, we treated credit and warranty expenses as deductiions, pursuant to section 772(e)(2) of the Act, instead of adjusting foreign market value for the differences. We made an additional deduction to

foreign market value for commissions. We also used indirect selling expenses in the Australian market to offset United States selling expenses, in accordance with § 353.15(c) of our regulations.

In order to adjust for differences in packing between the two markets, we deducted Australian packing costs from foreign market value and added U.S. packing costs.

We established separate categories of "such or similar" merchandise, pursuant to section 771(16) of the Act, on the basis of thickness fabric type and foam type. Where there were no identical products in the Australian market with which to compare product sold to the United States, we made adjustments to similar merchandise to account for differences in the physical characteristics of the merchandise, in accordance with section 773(a)(4)(C) of the Act. These adjustments were based of differences in the costs of materials, labor and directly related factory overhead.

Currency Conversion

We made currency conversions from new Taiwan dollars to U.S. dollars in accordance with § 353.56(a) of our regulations, using the certified daily exchange rates furnished by the Federal Reserve Bank of New York. For exporter's sales price Comparisions, we used the official exchange rate on the date of sale, since using the exchange rate as of the date of sale is consistent with section 615 of the Trade and Tariff Act of 1984 (the 1984 Act.) We followed section section 615 of the 1984 Act rather than § 353.56(a)(2) of our regulations, because the later law supersedes that section of the regulatons.

Verification

We will verify all information used in making our final determination in accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of relevant sales and financial records of the company under investigation.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of FENL from Taiwan that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register.** The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amounts by which the foreign market of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice.

Manfacturer/producer/exporter	Margin percentage
SHEICO	1.02
All Others	1.02

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information either publicly or under administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or thereaten material injury to, a United States industry, before the later of 120 days after our preliminary affirmative determination or 45 days after our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties and opportunity to comment on this preliminary determination at 1:00 p.m. on June 4, 1987, at the U.S. Department of Commerce, Room 1414, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B–099, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by May 21, 1987. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, not less than 30 days before the final determination, or, if a hearing is held, within 7 days after the hearing transcript is available, at the above address in at least 10 copies.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

May 8, 1987.

[FR Doc. 87–11056 Filed 5–13–87; 8:45 am]

BILLING CODE 3510–DS–M

[Docket Nos. 6675–01, 6675–02]

Actions Affecting Export Privileges; Edward King et al.

Order

On March 19, 1987, I issued and order in the above captioned proceeding. I hereby clarify that order as follows: Edward F. King, individually and doing business as Printemps Corporation, formely with an address at 5122 Grandview Avenue, Yorba Linda, California 92686, and presently with an address at 1613 Old Fashion Way, Anaheim, California 92804 is denied for a period of 10 years from the date of the original order dated March 19, 1987.

Dated: May 11, 1987.

Paul Freedenberg,

Assistant Secretary for Trade Adminsitration.

[FR Doc. 87–11057 Filed 5–13–87; 8:45 am]

BILLING CODE 3510–DT–M

Applications for Duty-Free Entry of Scientific Instruments; Lawrence Berkeley Laboratory et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washignton, DC.

Docket Number: 86–304R. Applicant: Lawrence Berkeley Laboratory, Division of Biology and Medicine, 1 Cyclotron Road, Berkeley, CA 94720. Instrument: Circular Dichroism Spectropolarimeter, Model J–600A. Manufacturer: JASCO,

Japan. Original notice of this resubmitted application was published in the **Federal Register** of September 19, 1986.

Docket Number: 86–319R. Applicant: Yale University School of Medicine, 333 Cedar Street, New Haven CT 06510. Instrument: Inverted Microscope with Attachments. Manufacturer: Zeiss Optical, West Germany. Original notice of this resubmitted application was published in the **Federal Register** of October 5, 1986.

Docket Number: 87–023R. Applicant: University of Alaska, Geophysical Institute, Fairbanks, AK 99775–0800. Instrument: Image Photon Detector with Dual Ported Memory. Manufacturer: Hovemere Ltd., United Kingdom. Intended Use: Original notice of this resubmitted application was published in the **Federal Register** November 21, 1986.

Docket Number: 87–040. Applicant: St. John's Mercy Medical Center, 615 So. New Ballas, St. Louis, MO 63141. Instrument: Electron Microscope with Accessory, Model H–600–3 Manufacturer: Hitachi, Ltd., Japan. Intended Use: The instrument will be used for clinical pathologic correlation studies of human diseased tissue and training residents in electron microscopy for medical diagnosis. Application Received by Commissioner of Customs: November 14, 1986.

Docket Number: 87–041. Applicant: La Crosse Lutheran Hospital, Inc., 1910 South Avenue, La Crosse, WI 54601. Instrument: Electron Microscopy, Model JEM–100SX. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used for differential diagnosis of disease and the determination of appropriate treatment and identification of viral agents which cannot be identified by other methods. The instrument will also provide photographs of cellular ultrastructure which will be valuable teaching tools in a medical education program. Application Received by Commissioner of Customs: December 8, 1986.

Docket Number: 87–153. Applicant: University of California, Davis Department of Mechanical Engineering, Davis, CA 95616. Instrument: Electron Microscope, Model CM 12 with Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended Use: Studies of ceramics and metals to evaluate structure property relationships in materials. In addition, the instrument will be used to teach structure properties, relationships and other evaluation materials in graduate courses in Electron Microscopy and undergraduate courses in Properties of Materials and Structure. Application Received by Commissioner of Customs: April 2, 1987.

Docket Number: 87–154. Applicant: University of Miami School of Medicine, The Miami Project, 1600 NW., 10th Avenue (R–48), Miami, FL 33136. Instrument: Electron Microscope, Model EM 10CA. Manufacturer: Carl Zeiss, West Germany. Intended Use: Studies of central nervous system tissue (the brain and spinal cord) of rats, cats, guinea pigs, mice and humans. The objectives of these studies is to examine normal spinal cord tissue and then compare these observations on the morpholoy, chemical distribution and synapse distribution to what is observed in spinal cord tissue following an injury in order to gain a better understanding of the mechanisms involved in spinal cord injury and paralysis, with the goal of discovering a cure for paralysis. These studies may also benefit those patients suffering from Parkinson's Disease, Alzheimer's Disease, head injury and other neurological disorders. The insturment will also be used to teach electron microscopy techniques. Application Received by Commissioner of Customs: April 2, 1987.

Docket Number: 87–155. Applicant: Rutgers University, Procurement and Contracting, P. O. Box 1089, Piscataway, NJ 08854. Electromechanical (Piezoelectric) Measurement Device. Manufacturer: Toyo Seiki Seisaku-Sho Ltd., Japan. Intended Use: Studies of high molecular weight materials such as polymers and rubbers to identify to useful materials with desirable properties. The instrument will also be used for educational purposes in a course in polymer science and materials. Application received by Commissioner of Customs: April 6, 1987.

Docket Number: 87–157. Applicant: Thomas Jefferson University, Jefferson Medical College, 1025 Walnut Street, Philadelphia, PA 19107. Instrument: Electron Microscope, Model JEM 100 CX. JEOL Co., Ltd., Japan. Intended Use: The instrument wlll be used for studies of biological materials and graduate training in cell physiology. Application Received by Commissioner of Customs: April 6, 1987.

Docket Number: 87–160. Applicant: EPA, EMSL–Las Vegas, 994 E. Harmon Avenue, Las Vegas, NV 89114. Instrument: Mass Spectrometer, Model VG 7070–EQ. Manufacturer: VG Analytical, United Kingdom. Intended Use: The instrument is intended to be used for studies of non-volatile compounds in experiments designed to fully characterize such compounds in a variety of sample media. Application Received by Commissioner of Customs: April 9, 1987.

Docket Number: 87–162. Applicant: State University of New York, Stony Brook, NY 11794. Instrument: Stem System for Electron Microscope. Manufacturer: N.V Philips, The Netherlands. Intended Use: The instrument will be used to study metallic and ceramic materials, as well as light metal hydrides. Particular emphasis will be on hcp metals, refractory metals and binary alloys. Microscopic imaging and diffraction studies will be performed, in addition to in situ straining experiments These studies will be conducted to further the understanding of materials behavior and the development of new materials. In addition, the instrument will be used in the teaching of the following courses:

(1) ESM302 Techniques in Materials Science
(2) ESM605 Diffraction Techniques
(3) ESM607 Imperfections in Crystals
(4) ESM696 Problems in Materials Science
(5) ESM599 and 699 Research in Materials Science.

Application Received by Commissioner of Customs: April 10, 1987.

Docket Number: 87–165. Applicant: University of Virginia Medical School, Box 441 Jordan Hall, Charlottesville, VA 22908. Instrument: Spectropolarimeter, Model J–600. Manufacturer: JASCO, Japan. Intended Use: The article is intended to be used for studies of the structure and interaction of biomolecules with other biomolecules to better understand the nature of protein-protein and protein-DNA interactions. Application Received by Commissioner of Customs: April 13, 1987.

Docket Number: 87–166. Applicant: Miami University, Department of Purchasing, 213 Roudebush Hall, Oxford, OH 45056. Instrument: Micromanipulator, Canberra Type, Model EM–7. Manufacturer: Narishige Scientific Instrument Laboratory, Japan. Intended Use: Research associated with the examination of the properties of neuromuscular transmission. The broad objective of this research is to elucidate the factors that influence transmitter release from the motor nerve terminal. It is hoped that the project will lead to a better understanding of neuromuscular transmission and possibly a means of controlling the processes involved. Application Received by Commissioner of Customs: April 14, 1987.

Docket Number: 87–00167. Applicant: Miami University, Department of Purchasing, 213 Roudebush Hall, Oxford, OH 45056. Instrument: Portable Ultraviolet Radiometer, Model UV 103.

Manufacturer: Macam Photometrics, United Kingdom. Intended Use: Research on the photo-induced toxicity of polycyclic aromatic hydrocarbons to aquatic organisms. Experiments to be conducted include a variety of tests to examine the environmental significance of photo-induced toxicity in aquatic ecosystems. In addition, the instrument will be used for educational purposes in the course Limnology (Z00 463). Application Received by Commissioner of Customs: April 14, 1987.

Docket Number: 87–168.Applicant: University of Montana, Purchasing Department, Lodge 113, Missoula, MT 59812. Instrument: Portable Rock magnetometer and Rock Demagnitizer. Manufacturer: Molspin Ltd., United Kingdom. Intended Use: Studies of samples of rock from various regions in the western United States. The rock property being investigated is paleomagnetic directions and its changes with heating of the sample and alternating field demagnetization. These are general paleomagnetic techniques to determine the stability of measured magnetic moments over geologic time. The instrument will also be used to teach students the fundamentals of paleomagnetism, get them to a level where they can read the professional literature in paleomagnetism, and to teach them how to design scientific experiments. Application Received by Commissioner of Customs: April 15, 1987.

Docket Number: 87–169. Applicant: Wright State University, Department of Physiology and Biophysics, P.O. Box 927, Dayton, OH 45401–0927. Instrument: Multiparameter Fluvo II Flow Cytometric Transducer. Manufacturer: HEKA Elektronic, West Germany. Intended Use: The instrument is intended to be used for studies of biological cells, in suspension, such as red blood cells of various animal and human origin and cultured cells of vascular origin, such as endothelial cells. Investigations will be conducted to correlate the analysis of cellular steady state and out-of-steady state volume with the response of intracellular bivalent ions, cell pH and membrane potential in order to explain ion transport mechanisms initiated and work to maintain at or return the cell to steady state. Application Received by Commissioner of Customs: April 16, 1987.

Docket Number: 87–170. Applicant: University of Chicago, 5801 S. Ellis Avenue, Chicago IL 60637. Instrument: FTI Spectrometer, Model DA2. Manufacturer: Bomem, Canada. Intended Use: The instrument will be used for far-infrared, infrared and visible spectroscopy of molecular ions in gaseous liquid and solid plasma and mid infrared and near infrared astronomical observations. Application Received by Commissioner of Customs: April 21, 1987.

Docket Number: 87–171. Henry Ford Hospital, 2779 West Grand Boulevard, Detroit MI 48202. Instrument: Microcomputer Controlled Voltage/Current Clamp System. Manufacturer: F&P Datensysteme, GmbH, West Germany. Intended Use: The instrument is to be used for the study of electrolyte and water transport in epithelia. Voltage clamp techniques will be used to investigate short circuit current changes in potential difference and tissue permeability. These investigations will be conducted in order to define the mechanisms by which bile acids and fatty acids induce intestinal electrolyte and water secretion and thereby cause diarrhea in man. Application Received by Commissioner of Customs: April 21, 1987.

Docket Number: 87–172. Applicant: The Pennsylvania State University, 276 Materials Research Laboratory, University Park, PA 16802. Instrument: Spectroscopic Ellipsometer with Optical Multichannel Detection, Model ES2G. Manufacturer: SOPRA, France. Intended Use: The instrument will be used to carry out in situ spectroscopic ellipsometry measurements on the diamond films and diamond related films, in the UV-visible-IR spectral region and analyze the data using modeling procedures and regression analysis techniques with the help of computers. Application Received by Commissioner of Customs: April 22, 1987.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87–11058 Filed 5–13–87; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-Free Entry of Scientific Instruments; University of Nebraska et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 87–163. Applicant: University of Nebraska—Lincoln, Lincoln NE 68588. Instrument: Circular Dichroism Spectropolarimeter, Model J–600C. Manufacturer: JASCO, Japan. Intended Use: The instrument is intended to be used in experiments which include light-induced conformational changes of both phytochrome and stentorin to elucidate the structural basis of the biological function, i.e. gene regulation and photoreception of these proteins. Educational purposes include training graduate students as competent scientists and educators in courses in graduate research in chemistry, physical biochemistry, molecular photochemistry and photobiology and doctoral dissertation. Application Received by Commissioner of Customs: April 10, 1987.

Docket Number: 87–164. Applicant: Mercy Hospital and Medical Center, Stevenson Expressway at King Drive, Chicago, IL 60616. Instrument: Electron Microscope, Model H–300. Manufacturer: Nissei Sangyo America, Ltd., Japan. Intended Use: Study of the abnormality of cellular structure of tumor cells. Educational purposes involving student and resident training in pathology. Application Received by Commissioner of Customs: April 13, 1987.

Docket Number: 87–173. Applicant: University of California, Santa Barbara, Purchasing Department, Building 451, Santa Barbara, CA 93106. Instrument: Electron Microscope, Model JEM 100CX. Manufacturer: Jeol, Ltd., Japan. Intended Use: Investigations of complex fluid and polymer systems. Specifically direct examination of microstructure of aqueous polyacrylamide gels, rod-coil transitions of polydiacetylene solutions, and the morphology of surfactant-oil-water emulsions using transmission electron microscopy. Application Received by Commissioner of Customs: April 27, 1987.

Docket Number: 87–174. Applicant: The Pennsylvania State University, Department of Chemistry, 152 Davey Laboratory, University Park, PA 16802. Instrument: Accessories for FT Spectrometer, Bomem, Inc., Canada. Intended Use: The instruments are accessories to an existing spectrometer which will be used for initial studies on a number of polyatomic molecules such as benzene, cyclopropane and

monosilane. Other projects will include studies of states which are both infrared and Raman inactive, expanded interest in high resolution spectroscopy and molecular physics of large molecules, the study of energy transfer processes in optically pumped far infrared lasers. Application Received by Commissioner of Customs: April 28, 1987.

Docket Number: 87–175. Applicant: Carnegie Mellon University, 4400 Fifth Avenue, Pittsburgh, PA 15213. Instrument: Interferometric Spectrometer, Model DA3.16 with Accessories. Manufacturer: Bomem, Canada. Intended Use: Detailed spectroscopic studies on the electronic structures of inorganic lattices and complexes. Far infrared applications will include development of a direct spectral probe of exchange interactions in transition ion cluster complexes, studies of the low lying spin-orbit components of the ground state in isolated ions, and electronic structure studies of shallow impurity sites in small band gap photodetectors. Spectoscipic studies in the mid IR region will relate to observation of ligand field excited states and development of virbrational MCD of inorganic complexes as a sensitive probe of metal-ligand covalency. Application Received by Commissioner of Customs: April 28, 1987.

Docket Number: 87–176. Applicant: University of Michigan, 503 Thompson Street, Ann Arbor, MI 48109. Instrument: Electron Microscope, Model JEM–400EX, JEOL Ltd., Japan. Intended Use: The instrument is intended to be used in varied research including but not limited to the following:

1. Mechanistic studies of pressure-assisted plasticity in ceramics
2. Phase equilibria studies in silicon nitride-metal oxide systems
3. Studies of ductility enchancement in materials with limited dislocation mobility
4. Investigation of MBE grown InGaAs on GaAs superlattices
5. Studies of magnesium oxide surfaces
6. Ultra-small electronic research
7. MBE growth of incommensurate heterostructures.

Application Received by Commissioner of Customs: April 28, 1987.

Docket Number: 87–178. Applicant: University of California, Irvine, CA 92717. Instrument: Langmuir-Blodgett System, Model KSV2200. Manufacturer: KSV Chemicals, Finland. Intended Use: The instrument is intended to be used for studies of biological membranes, monolayers, and bilayers during scientific research of the following:

1. Peptide-lipid bilayer interaction
2. Neurotransmitter receptor function
3. Structural relationship between bilayer systems
4. Chloride binding sites in halorhodospin
5. Pulmonary surfactant.

Application Received by Commissioner of Cutoms: April 29, 1987.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87–11059 Filed 5–13–87; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

[P161]

Marine Mammals; Application for Permit: Gerald L. Kooyman

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as autorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. *Applicant:* Gerald L. Kooyman, Physiological Research Laboratory A–004, Scripps Institution of Oceanography, University of California, La Jolla, California 92093.

2. *Type of Permit:* Scientific Research.

3. *Name and Number of Marine Mammals: Weddell seals Leptonychotes weddelli*) 20.

4. *Type of Take:* Animals will be surgically radio tagged and blood samples will be taken.

5. *Location of Activity:* McMurdo Sound, Antarctica.

6. *Period of Activity:* 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Rm. 805, Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731–7415.

Dated: May 7, 1987.

Dr. Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 87–11037 Filed 5–13–87; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Marine Fisheries Advisory Committee; Meeting That is Partially Closed to the Public

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

Time and Date: The meeting will convene at 8:30 a.m., June 3, 1987, and adjourn at approximately 4:00 p.m., June 4, 1987.

Place: Lord Baltimore Clarion Hotel, Baltimore and Hanover Streets, Baltimore, Maryland.

Status: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of a meeting of the Marine Fisheries Advisory Committee (MAFAC). Parts of this meeting will be open to the public. The remainder of the meeting will be closed to the public. MAFAC was established by the Secretary of Commerce on February 17, 1971, to advise the Secretary on all living marine resource matters which are the responsibility of the Department of Commerce. This Committee ensures that the living marine resource policies and programs of this Nation are adequate to meet the needs of commercial and recreational fishermen, environmental, State, consumer, academia, and other national interests.

Matters To Be Considered

Portions Open to the Public: June 3, 1987, 8:45 a.m.–4:30 p.m., habitat research and management programs, marine recreational fisheries, Americanization of EEZ fisheries and fisheries trade issues. June 4, 1987, 8:30–

11:30 a.m., interjurisdictional fisheries management and fishery highlights.

Portion Closed to the Public: June 4, 1987, 1:15–4:30 p.m. (Executive Session), budget and program planning priorities.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with concurrence of the General Counsel, formally determined on May 7, 1987, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda item to be covered during the Executive Session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because the item will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(9)(B) as information the premature disclosure of which will be likely to significantly frustrate the implementation of proposed agency action. (A copy of the determination is available for public inspection and duplication in the Central Reference and Records Inspection Facility, Room 6628, Department of Commerce.) All other portions of the meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, Constituent Affairs Staff, Office of Legislative Affairs, NOAA, Washington, DC 20235. Telephone: (202) 673–5429.

Dated: May 8, 1987.

James E. Douglas, Jr.,

Acting Deputy Assistant Administrator, NMFS.

[FR Doc. 87–11023 Filed 5–13–87; 8:45 am]

BILLING CODE 3510–08–M

International Trade Administration

President's Export Council, Executive Committee Meeting; Closed

A meeting of the President's Export Council Executive Committee will be held June 2, 1987, Noon-3:30 p.m. in Room 4830 of the Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC. The Council's purpose is to advise the President on matters relating to United States export trade.

Agenda: Discussion of negotiating strategies with our trade partners, Japan, and pending trade legislation.

A Notice of Determination to close meetings or portions of meetings of the Council to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on October 17, 1985, in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 4102, U.S. Department of Commerce, (202) 377–3031.

For further information, or copies of the minutes, contact Laureen Daly (202) 377–1125, Room 3213, U.S. Department of Commerce, Washington, DC 20230.

Dated: May 11, 1987.

Wendy H. Smith,

Director, President's Export Council.

[FR Doc. 87–11239 Filed 5–13–87; 11:14 am]

BILLING CODE 3510–DR–M

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

Meeting

AGENCY: Commission on the Bicentennial of the United States Constitution.

ACTION: Notice of meeting.

SUMMARY: This Notice announces a forthcoming meeting of the Commission on the Bicentennial of the United States Constitution, to be held in Washington, DC, and chaired by the Commission's Chairman, Chief Justice (Retired) Warren E. Burger.

Time and date: Friday, May 15, 1987 at 2:00 p.m.; Saturday, May 16, 1987 at 10:15 a.m.

Place: On May 15, from 2:00 p.m. to 4:00 p.m., in the State Room of the Grand Promenade of the Mayflower Hotel, 1127 Connecticut Avenue NW., Washington DC, and on May 16, from 10:15 a.m. to 4:30 p.m., in the South Carolina Room of the Mayflower Hotel. On May 15, the meeting will be a public hearing in open session; on May 16, the meeting will be an executive session.

Matters to be Considered

Open Session. The Commission will hear presentations from state and local officials regarding commemorative plans and programs for the bicentennial; there will also be testimony on regional, national and international bicentennial programs.

Executive Session. Evaluation of proposed bicentennial projects and programs; review of annual report and budget; status of personnel, employment and office space; pending appropriations, legislation and regulations; private funding proposals; and, negotiations involving Commission plans and programs.

Statements

The Commission is interested in hearing from all persons and organizations with proposed plans, projects or programs which would enhance the bicentennial commemoration of the U.S. Constitution, the Bill of Rights or the founding of the Federal Government. Statements prepared should be filed on or before May 15, 1987, at 736 Jackson Place NW., Washington, DC 20503, and will be reviewed by the Commission and its staff.

Presentations

At the public hearing on May 15, available time will permit only a few oral presentations. The Commission will notify in advance those witnesses who have been asked to appear and will limit oral presentations to those selected.

FOR FURTHER INFORMATION CONTACT: William Buckingham, Director, Planning and Review; Tel. (202) 653–5335.

SUPPLEMENTARY INFORMATION: This meeting is to give the Commission an opportunity to review the current status of its operations. It also provides an opportunity for witnesses to advise the Commission about proposed bicentennial plans and programs.

Dated: May 11, 1987.

Mark W. Cannon,

Staff Director.

[FR Doc. 87–11035 Filed 5–13–87; 8:45 am]

BILLING CODE 6340–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Agency Information Activities Under OMB Review

ACTION: Public information collection requirement submitted to OMB for review.

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35. Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New

DoD FAR Supplement Part 205 and 252.205–7000.

Part 5 of the DoD FAR Supplement and the clause at 252.205–700, Release of Information to Cooperative Agreement Holders, requires defense contractors awarded a contract in excess of $500,000 to provide entities holding Cooperative Agreements with the Defense Logistics Agency (DLA), upon their request, a list of appropriate employees, their business address, telephone number, and area of responsibility, who have responsibility for awarding subcontracts under defense contracts. This coverage implements section 957 of Pub. L. 99–500.

Businesses or others for profit/small business or organizations.

Responses: 82,500.

Burden hours: 16,250.

ADDRESS: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302, telephone (202) 746–0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Owen Green, DAR Council, ODASD(P)DARS, c/o OASD(A&L) (MRS), Room 3C841, The Pentagon, Washington, DC 20301–3062, telephone (202) 697–7266.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

May 8, 1987.

[FR Doc. 87–11000 Filed 5–13–87; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA C&E–87–53; OFP Case No. 61072–9370–20, 21–22]

Powerplant and Industrial Fuel Use; Acceptance of Petition for Exemption and Availability of Certification by Caterpillar Capital, Ltd.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of acceptance.

SUMMARY: On April 27, 1987, Caterpillar Capital, Ltd. (Caterpillar or petitioner) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" of "the Act") (42 U.S.C. 8301 *et seq.*) for its proposed York, Pennsylvania, cogeneration facility.

Title II of the Act prohibits the use of petroleum or natural gas as a primary energy source in a new powerplant and prohibits the construction of any such facility without the capability to use an alternate fuel as a primary energy source. The exemption petition was based on lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. Final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules setting forth criteria and procedures for petitioning for this type exemption are found at 10 CFR 503.32.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington, DC 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register**.

DATE: Written comments are due on or before June 29, 1987. A request for a public hearing must be made within the same 45-day period.

ADDRESS: Fifteen copies of written comments or a request for a public hearing shall be submited to: Case Control Unit, Office of Fuels Programs, Room GA–093, Forrestal Building, 1000 Independence Ave, SW., Washington, DC 20585.

Docket No. ERA C&E–87–53 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Coal and Electricity Division, Office of Fuels Progams, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA–093, Washington DC 20585, Telephone (202) 586–9624.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Room 6A–113, 1000 Independence Avenue, SW., Washington,. DC 20585, Telephone (202) 586–6947.

SUPPLEMENTARY INFORMATION: The proposed facility will be a 67 MW cogeneration facility consisting of six 8.6 MW gas-fired turbine generators with hear recovery steam generators, and two 7.5 MW steam turbine generators. The facility will supply approximately 50,000 lbs/hr steam to the Caterpillar Tractor Plant in York, Pennsylvania. In addition it will supply the entire electrical requirement of the plant with excess electricity being sold to Metropolitan Edison for resale.

Section 212(a)(1)(A)(ii) of the Act provides for a permanent exemption due to lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

To qualify, the petitioner, pursuant to 120 CFR 503.32(a), must certify that:

(1) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to confrom with the design and operational requirements of the proposed unit;

(2) The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in § 503.6 (cost calculation) of the regulations;

(3) No alternate power supply exists, as required under § 503.8 of the regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of the regulations; and

(5) Alternate sites are not available, as required under § 503.11 of the regulations.

In accordance with the evidentiary requirements of §503.32(b) (and in addition to the certifications discussed above), the petitioner has included as part of its petition:

1. Exhibits containing the basis for the certifications descibed above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processsing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq.;* and DOE guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the request exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that the petitioner is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comment received during the public comment period provided for in this notice.

Issued in Washington, DC, on May 7, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Adminstration.

[FR Doc. 87-11007 Filed 5-13-87; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA C&E-87-52; OFP Case No. 62026-9369-20, 21, 22, 23-24]

Powerplant and Industrial Fuel Use; Acceptance of Petition for Exemption and Availability of Certification by Eagle Point Cogeneration Partnership

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of acceptance.

SUMMARY: On April 15, 1987, Eagle Point Cogeneration Partnership (Eagle Point or petitioner) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) for its proposed Eagle Point Cogeneration facility to be located in Westville, New Jersey on the site of the Coastal Eagle Point Oil Company refinery.

Title II of the Act prohibits the use of petroleum or natural gas as a primary energy source in a new powerplant and prohibits the construction of any such facility without the capability to use an alternate fuel as a primary energy source. The exemption petition was based on or lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. Final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules setting forth criteria and procedures for petitioning for this type exemption are found at 10 CFR 503.32.

ERA had determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTAL INFORMATION** section below.

As provided for in sections 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

A public file containing a copy of this Notice of Acceptence and availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Readig Room, 1000 Independence Avenue, SW, Room 1E-190, Washington DC 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

EPA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATE: Written comments are due on or before June 29, 1987. A request for a public hearing must be made within the same 45-day period.

ADDRESS: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-093, Forrestal Building, 1000 Independence Ave, SW., Washington, DC 20585.

Docket No. ERA C&E-87-52 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Xavier Puslowski, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington DC 20585, Telephone (202) 586-4708.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Room 6A-113, 1000 Independence Avenue, SW., Washington DC 20585, Telephone (202) 586-6947.

SUPPLEMENTARY INFORMATION: The proposed facility will be a combined topping cycle cogeneration facility consisting of four gas turbines with electric generators and four waste heat boilers.

The facility will produce 170 average net mw of electrical power which will be sold to Jersey Central Power and Light Company and Atlantic Power Company for distribution. The facility will also produce process steam which will be sold to the Coastal Refinery together with 15 MW of electrical power.

Section 212(a)(1)(A)(ii) of the Act provides for a permanent exemption due to lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

To qualify, the petitioner, pursuant to 10 CFR 503.32(a), must certify that:

(1) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit;

(2) The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in § 503.6 (cost calculation) of the regulations;

(3) No alternate power supply exists, as required under § 503.8 of the regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of the regulations; and

(5) Alternate sites are not available, as required under § 503.11 of the regulations.

In accordance with the evidentiary requirements of § 503.32(b) (and in addition to the certifications discussed above), the petitioner has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR 1500 *et seq.;* and DOE guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that the petitioner is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC, on May 5, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-11008 Filed 5-13-87; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA C&E-87-26; OFP Case No. 55119-9044-01, 03-12]

Powerplant and Industrial Fuel Use; Order Granting an Exemption Pursuant to the Powerplant and Industrial Fuel Use Act of 1978 to General Motors Corp.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting exemption.

SUMMARY: On January 21, 1987, General Motors Corporation (General Motors or petitioner) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) for two major fuel-burning installation (MFBI) boilers located at its Oklahoma City plant in Oklahoma City, Oklahoma.

Title II of the Act prohibits the use of petroleum or natural gas as a primary energy source in a new powerplant, and prohibits the construction of any such facility without the capability to use an alternate fuel as a primary energy source. The exemption petition was based on lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. Final rules containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules setting forth criteria and procedures for petitioning for this type exemption are found at 10 CFR 503.32.

Pursuant to section 212(g) of the Act and 10 CFR 503.32, ERA hereby issues this order granting a permanent exemption from the prohibitions of FUA for the proposed powerplant at the aforementioned installation.

The basis for ERA's order is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATE: In accordance with section 702(a) of FUA, this order and its provisions shall take effect on July 13, 1987.

FOR FURTHER INFORMATION CONTACT:

Xavier Puslowski, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585, Telephone (202) 586-4708.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Room 6A-113, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202) 586-6947.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available on request from DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum in certain new MFBIs unless an exemption for such use has been granted by ERA. This petitioner has filed a petition for a permanent exemption to use natural gas or oil as a primary energy source in its facility located in Oklahoma City, Oklahoma.

NEPA Compliance

After a review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA).

Procedural Requirements

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to this petition in the **Federal Register** on March 6, 1987 (52 FR 7009), commencing a 45-day public comment period pursuant to section 701(c) of FUA.

A copy of the petition was provided to the Environmental Protection Agency as required by section 701(f) of the Act. During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on April 20, 1987; no comments were received and no hearing was requested.

Order Granting Permanent Exemption

Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all of the eligibility requirements for the requested exemption as set forth in 10 CFR 503.32, and pursuant to section 212(g) of FUA, ERA hereby grants the petitioner's permanent exemption for the unit to be installed at its facility in Oklahoma City, Oklahoma permitting the use of natural gas or oil as a primary energy source in each unit identified in this order.

Pursuant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this order may petition for judicial review at any time before the 60th day following the publication of this order in the **Federal Register.**

Issued in Washington, DC, on May 5, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-11009 Filed 5-13-87; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA C&E-87-51; OFP Case No. 65047-9368-20, 21, 22-24]

Powerplant and Industrial Fuel Use; Acceptance of Petition for Exemption and Availability of Certification by Midway-Sunset Cogeneration Co.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Acceptance.

SUMMARY: On April 13, 1987, Midway-Sunset Cogeneration Company (Midway or petitioner) filed a petition with the Economic Regulatory Adminstration

(ERA) of the Department of Energy (DOE) requesting a permanent exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) for Midway to be located in Kern County, California.

Title II of the Act prohibits the use of petroleum or natural gas as a primary energy source in a new powerplant and prohibits the construction of any such facility without the capability to use an alternate fuel as a primary energy source. The exemption petition was based on cogeneration. Final rules containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules setting forth criteria and procedures were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition any any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E-190, Washington DC 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATES: Written comments are due on or before June 29, 1987. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written commens or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-093, Forrestal Building, 1000 Independence Ave, SW., Washington, DC 20585. Docket No. ERA C&E-87-51 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Xavier Puslowski, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW. Room GA-093, Washington DC 20585, Telephone (202) 586-4708.

Steven E Ferguson, Esq., Office of General Counsel, Department of Energy, Room 6A-113, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202 586-6947.

SUPPLEMENTARY INFORMATION: The proposed Midway project is a 225 MW combined cycle unit consisting of three gas fired turbine generators and three heat recovery steam generators to generate steam and electricity. The electricity will be sold to Southern California Edison and the steam will be used in Sun EXP.'s enchanced oil recovery operation.

Section 212(c) of the Act and 10 CFR 503.37 provides for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), the petitioner has certified to ERA that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of petroleum or natural gas and an alternate fuel in the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

On May 22, 1986, DOE published in the **Federal Register** (51 FR 18866) a notice of the amendment to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the amended guidelines, the grant or denial of a permanent cogeneration exemption from FUA is among the classes of actions that DOE has categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. The petitioner has certified that it will secure all applicable permits and approvals prior to commercement of operation of the new unit under exemption.

DOE's Office of Environment, in consultation with the Office of General Counsel, will review the completed environmental checklist submitted by the petitioner pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on the petitioner's petition that the grant or denial of exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

The acceptance of the petition by ERA does not constitute a determination that the petitioner is entitled to the exemption requested. The determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC, on May 5, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-11010 Filed 5-13-87; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA C&E-87-50; OFP Case No. 50135-9353-20, 21-22]

Powerplant and Industrial Fuel Use; Acceptance of Petition for Exemption and Availability of Certification by the City of Austin, TX

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of acceptance.

SUMMARY: On March 31, 1987, the City of Austin, Texas (Austin or petitioner) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) for its proposed combined cycle baseload gas-fueled powerplant to be located in Travis County, Texas.

Title II of the Act prohibits the use of petroleum or natural gas as a primary energy source in a new powerplant and prohibits the construction of any such facility without the capability to use an alternate fuel as a primary energy source. The exemption petition was based on lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. Final rule containing the criteria and procedures for petitioning

for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules setting forth criteria and procedures for petitioning for this type exemption are found at 10 CFR 503.32.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington DC 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATES: Written comments are due on or before June 29, 1987. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-093, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585.

Docket No. ERA C&E-87-50 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

John Boyd, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585, Telephone (202) 586-4523.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Room 6A-113, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202) 586-6947.

SUPPLEMENTARY INFORMATION: The proposed facility will be a 215 MW combined cycle base-load powerplant using natural gas. It will be located at Austin's existing Decker powerplant facility about 7.5 miles northeast of downtown Austin.

Section 212(a)(1)(A)(ii) of the Act provides for a permanent exemption due to lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

To qualify, the petitioner, pursuant to 10 CFR 503.32(a), must certify that:

(1) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit;

(2) The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in § 503.6 (cost calculation) of the regulations;

(3) No alternate power supply exists, as required under § 503.8 of the regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of the regulations; and

(5) Alternate sites are not available, as required under § 503.11 of the regulations.

In accordance with the evidentiary requirements of § 503.32(b) (and in addition to the certifications discussed above), the petitioner has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq.*; and DOE guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that the petitioner is entitled to the exemption requested. That determination will be based on the entire record of ths proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC, on May 5, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-11006 Filed 5-13-87; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA C&E-86-57; OFP Case No. 53146-3797-20-21-22]

Powerplant and Industrial Fuel Use; Order Granting an Exemption to Virginia Electric and Power Company

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting exemption.

SUMMARY: On September 25, 1986, Virginia Electric and Power Company (VEPCO or petitioner) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption from the provisions of the Powerplant and Industrial Fuel Act of 1978 ("FUA" or "the Act") [42 U.S.C. 8301 *et seq.*] for two proposed 210 megawatt gas-fired combined cycle electric generating units at its Chesterfield Generating Station in Chesterfield County, Virginia.

Title II of the Act prohibits the use of petroleum or natural gas as a primary energy source in a new powerplant, and prohibits the construction of any such facility without the capability to use an altenate fuel as a primary energy source. The exemption petition was based on lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. Final rules containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules setting forth criteria and procedures for petitioning for this type exemption are found at 10 CFR 503.32.

Pursuant to section 212(a) of the Act and 10 CFR 503.32, ERA hereby issues this order granting a permanent exemption from the prohibitions of FUA for the proposed powerplant at the aforementioned installation.

The basis for ERA's order is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATE: In accordance with section 702(a) of FUA, this order and its provisions shall take effect on July 13, 1987.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA–093, Washington DC 20585, Telephone (202) 586–8233.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Room 6A–113, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202) 586–6947.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available on request from DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m. except Federal holidays.

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum in certain new powerplant unless an exemption for such use has been granted by ERA. The petitioner has filed a petition for a permanent exemption to use natural gas or oil as a primary energy source in its facilities located in Chesterfield County, Virginia.

NEPA Compliance

After a review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemptions does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA).

Procedural Requirements

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to this petition in the **Federal Register** on November 12, 1986 (51 FR 40999), commencing a 45-day public comment period pursuant to section 701(c) of FUA.

Copies of the petition were provided to the Federal Energy Regulatory Commission and the Environmental Protection Agency as required by sections 312(c) and 701(f). During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on December 29, 1986. On December 29, 1986, a public hearing was requested by the National Coal Association (NCA) and was held on February 17, 1987. NCA asserted that certain factors in the calculation of the cost comparisons required by the rules were outdated and inaccurate and that reliance on the comparisons would be arbitrary.

With respect to matters concerning the rules, 10 CFR 503.6, Appendix II, provides that the parameters for a specific petition for exemption will be the set in effect at the time the petition is submitted or the set in effect at the time the decision is rendered, whichever is more favorable to the petitioner. ERA has reviewed all relevant data contained in the petition and provided as a result of the hearing and comment period and concluded that VEPCO's petition satisfied the requirement of rules in existence at the time of the filing of the petition.

On March 21, 1987 NCA withdraw its opposition to the granting of the exemption sought by VEPCO but reserved its request that ERA review its regulations in a rulemaking proceeding. ERA has initiated a review of the pertinent rules and will determine whether the regulations should be revised.

Order granting Permanent Exemption

Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all of the eligibility requirements for the requested exemption as set forth in 10 CFR 503.32, and pursuant to section 212(a) of FUA, ERA hereby grants the petitioner's permanent exemption for the units to be installed at its facility in Chesterfield County Virginia permitting the use of natural gas or oil as a primary energy source in the units.

Pursuant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this order may petition for judicial review at any time before the 60th day following the publication of this order in the **Federal Register.**

Issued in Washington, DC on May 6, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87–11011 Filed 5–13–87; 8:45 am]

BILLING CODE 6450–01–M

Proposed Remedial Order to Kern Oil & Refining Co.

AGENCY: U.S. Department of Energy, Economic Regulatory Administration.

ACTION: Notice of proposed remedial order to Kern Oil & Refining Co.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Kern Oil & Refining Company (Kern), Rt. 6, Box 336, Bakersfield, California 93307. This Proposed Remedial Order alleges violations in the amount of $32,055,191.09 resulting from Kern's circumvention of its obligations under the Department of Energy's Entitlements Program during the time period October 1979 through December 1980. The effect of the alleged violations is nationwide.

A copy of the Proposed Remedial Order, with confidential information (if any) deleted, may be obtained from: Office of Freedom of Information Reading Room, United States Department of Energy, Forrestal Building, Room 1E–190, 1000 Independence Avenue, SW., Washington, DC 20585.

Within fifteen (15) days of publication of this Notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, United States Department of Energy, Forrestal Building, Room 6F–078, 1000 Independence Avenue, SW., Washington, DC 20585, in accordance with 10 CFR 205.193. The Notice shall be filed in duplicate, shall briefly describe how the person would be aggrieved by issuance of the Proposed Remedial Order as a final order and shall state the person's intention to file a Statement of Objections. A person who fails to file a Notice of Objection shall be deemed to have admitted the findings of fact and conclusions of law stated in the PRO. If a Notice of Objection is not filed in accordance with § 205.193, the PRO may be issued as a final Remedial Order by the Office of Hearings and Appeals.

Issued in Washington, DC, on the 4th day of May 1987.

Marshall Staunton,

Administrator, Economic Regulatory Administration.

[FR Doc. 87–10985 Filed 5–13–87; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

[Special Research Grant Program Notice 87–3]

Complex Carbohydrates; Extension of Receipt Date for Applications

AGENCY: Department of Energy.

ACTION: Extension of Receipt Date for Applications.

SUMMARY: The Office of Energy Research of the Department of Energy has determined that the originally published receipt date for submission of applications for Special Research Grants supporting a multi-disciplinary research, training and service program for characterization of chemical structures of complex carbohydrates did not provide adequate time for respondents to complete the required submission documentation. The original notice was published in the **Federal Register** dated January 26, 1987, Volume 52, No. 16, page 2762. Therefore, the submission date is now extended to June 1, 1987, and all applications for the activity must be received by the Acquisition and Assistance Management Division, ER–64, Washington, DC 20545, by that date.

Issued in Washington, DC, on April 20, 1987

Ira M. Adler,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 87–10986 Filed 5–13–87; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER87–214–000 et al.]

Electric Rate and Corporate Regulation Filings; The Washington Water Power Co. et al.

Take notice that the following filings have been made with the Commission:

1. The Washington Water Power Co.

[Docket No. ER87–214–000]

Take notice that no March 6, 1987, the Washington Water Power Company (Washington) tendered for filing copies of an Amendment to Filing relating to Docket No. ER87–214–000. This Amendment to Filing clarifies deficiencies in that filing.

A copy of the Amendment to Filing has been sent to Pacific Power & Light Company.

Comment date: May 19, 1987 in accordance with Standard Paragraph E at the end of this notice.

2. United Illuminating Co.

[Docket No. ER87–136–001]

Take notice that on April 20, 1987, the United Illuminating Company ("UI"), pursuant to a letter dated March 20, 1987 from Jerry R. Milbourn, Director, Division of Electric Power Application Review, tendered for filing its Second Amendment to its rate filing in Docket No. ER87–136–000.

Comment date: May 26, 1987, in accordance with Standard Paragraph E at the end of this document.

3. Monongahela Power Co. et al.

[Docket No. ER87–330–001]

May 7, 1987.

Take notice that on May 1, Allegheny Power Service Corporation submitted for filing additional data requested by the Commission's staff.

Comment date: May 26, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Northern States Power Co. (Minnesota)

[Docket No. ER87–407–000]

May 6, 1987.

Take notice that Northern States Power Company (Minnesota) (NSP) tendered for filing on April 29, 1987, settlement changes in FERC wholesale rates. On April 20, 1987, NSP and Municipals agreed to a rate reduction. NSP tendered for filing wholesale rate schedule revisions agreed to by the parties.

The ten affected firm power total requirements wholesale customers and their current FERC rate schedule designations of their contracts are as follows:

Customer	FERC rate schedule No.
Firm Power Service	
Primary Distriubution Voltage	
Arlington	421
Brownton	422
Chaska	424
Kasota	426
Kasson	427
North St. Paul	429
Shakopee	431
Winthrop	433
Firm Power Service	
Transmission Service	
Anoka	420
Buffalo	423

The ten affected load pattern partial requirement wholesale customers and their current FERC rate schedule designation of their contracts are as follows:

Customer	FERC rate Schedule No.
Load Pattern Service	
Primary Distribution Voltage	
Sauk Centre	389
Load Pattern Service	
Transmission Voltage	
ADa	390
East Grand Forks	387
Fairfax	400
Kenyon	394
LeSueur	392
Madelia	397
Melrose	401
Olivia	388
Sioux Falls	413

Copies of the rate schedule change and comparative billing data were served upon NSP's customers affected by this filing. In addition, copies of the filing have been mailed to the Minnesota Public Utilities Commission, the North Dakota Public Service Commission and the South Dakota Public Utilities Commission. Additional copies are available from the Company.

Comment date: May 19, 1987, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to beecome a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

FR Doc. 87–11065 Filed 5–13–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. QF87–357–000 et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; BASF Corporation et al.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. BASF Corporation

[Docket No. QF87–357–000]

May 7, 1987.

On April 7, 1987, BASF Corporation (Applicant), of 100 Cherry Hill Road, P.O. Box 181, Parsippany, New Jersey

07054, submittted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. On April 29, 1987, Applicant filed an amendment to the above application and requsted certification of the same facility as a qualifying small power production facility pursuant to §292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Kearny, New Jersey. The facility will consist of a condensing steam turbine generating unit. Excess steam produced (due to highly exothermic reaction of the mixture of air and o-xylene) in a phthalic anhydride production plant will be used to generate electric power for on-site use. The primary energy source will be excess (waste) steam from the phthalic anhydride process. The electric power production capacity of the facility will be 2.4 MW. Installation of the facility began on December 1, 1986.

2. Baylor University c/o Stone & Webster Engineering Corporation

[Docket No., QF87-401-000]

May 7, 1987.

On April 29, 1987, Baylor University, c/o Stone & Webster Engineering Corporation (Applicant), of P.O. Box 5200, Cherry Hill New Jersey submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Waco, Texas. The facility will consist of one combustion turbine generator and one heat recovery steam generator. Steam recovered from the facility will be used for production of domestic hot water, and space heating and cooling. The net electric power production facility will be 3,626 kilowatts. The primary energy source will be natural gas. Construction of the facility is expected to begin in the third quarter of 1987.

3. O'Connell Engineering & Financial, Inc.

[Docket No. QF87-381-000]

May 6, 1987.

On April 20, 1987, O'Connell Engineering & Financial, Inc. (Applicant), of P.O. Box 867, Holyoke, Massachusetts 01041-0867 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at Morton Thiokol Inc.'s Ventron Division, in Danvers, Massachusetts. The facility will consist of a combustion turbine generator, a heat recovery steam generator equipped for supplementary firing, and an extraction/condensing steam turbine generator. Thermal energy recovered from the facility will be utilized for process by the Ventron Division. The net electric power production capacity of the facility will be 26,022 kW. The primary energy source for the facility will be natural gas and No. 2 fuel oil. Installation of the facility is expected to be completed by July 1989.

4. Sun Refining and Marketing Company

[Docket No. QF87-398-000]

May 7, 1987.

On April 28, 1987, Sun Refining and Marketing Company of 1801 Market Street, Philadelphia, Pennsylvania 19103-1699 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The proposed cogeneration facility will be located at the Marcus Hook Refinery, in Marcus Hook, Pennsylvania. The facility will consist of a combustion turbine generator and a heat recovery steam generator (HRSG). The steam from the HRSG will be used for thermal process applications in the refinery. The electric power production capacity of the facility will be 51.8 MW. The primary energy source will be natural gas. The installation of the facility commenced in April, 1987.

Standard Paragraphs

e. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules and practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-11019 Filed 5-13-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL87-19-000]

Florida Power & Light Co.; Granting Extension of Time

May 8, 1987.

On May 5, 1987, the National Association of Regulatory Utility Commissioners (NARUC) filed a petition for reconsideration of the notice of April 14, 1987, denying a request for additional time to file comments on the Petition for Declaratory Order filed in this proceeding. NARUC states that additional time is necessary because of the importance of the issues, NARUC's strong interest in the proceeding and the difficulty of filing substantive comments within the time period of the notice of the filing (published at 52 FR 9531, March 25, 1987).

Upon consideration, notice is hereby given that the date for filing interventions, protests and comments is extended to and including June 2, 1987.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-11021 Filed 5-13-87; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

[Case No. KCF-0047]

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy has adopted final procedures to be followed in disbursing the remaining funds being held in escrow following the settlement of enforcement proceedings involving Pennzoil Company (Case No. KCF-0047).

FOR FURTHER INFORMATION CONTACT: Virginia A. Lipton, Assistant Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2400.

SUPPLEMENTARY INFORMATION: In accordance with the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Decision and

Order set out below. The Decision relates to a July 9, 1981 consent order between the Pennzoil Company and the Department of Energy. That consent order settled certain disputes between the firm and the DOE concerning Pennzoil's possible violations of DOE regulations in its sales of crude oil and refined petroleum products.

The Decision effectuates a remand order of the United States District Court for the Eastern District of Michigan. The remand order directed the OHA to either (1) evaluate whether Pennzoil refund recipients merited additional refunds based on six equitable factors set forth in the original Pennzoil implementation order or (2) establish, through appropriate procedures, new standards for evaluating additional claims for Pennzoil refunds. In the Order, the OHA elected the second option and decided that no additional refunds should be granted to Pennzoil refund claimants. Accordingly, as set forth in the Order, upon proper application the remaining Pennzoil escrow funds will be disbursed to the States in order to effect indirect restitution.

Dated: May 7, 1987.

George Breznay,

Director, Office of Hearings and Appeals.

May 7, 1987.

Decision and Order of the Department of Energy

Special Refund Procudures

Name of Case: Pennzoil Company
Date of Filing: July 17, 1986
Case Number: KCF–0047

This proceeding is before the Office of Hearings and Appeals (OHA) on remand from the United States District Court for the Eastern District of Michigan. The proceeding involves an appeal filed with that court by Oerther Brothers Sales and Service and Maybee Gas and Oil (Oerther and Maybee). Oerther and Maybee appealed refunds issued to them by the OHA from a consent order fund made available by Pennzoil Company. The facts leading to this remand are as follows.

On March 10, 1982, the OHA issued a Decision and Order instituting special refund proceedings for distribution of the Pennzoil consent order fund. *Office of Special Counsel,* 9 DOE ¶ 82,545 (1982) (hereinafter referred to as *Pennzoil*). The procedures under which this type of special refund proceeding is conducted are set forth at 10 CFR Part 205, Subpart V. Under the terms of the consent order, Pennzoil placed $3,000,000 into an escrow account to be distributed, together with interest, in accordance with the directives of the OHA pursuant to the Subpart V regulations governing special refund proceedings. In Pennzoil we decided to generally allocate refunds to claimants on a volumetric basis. That is, an applicant's allocable share of the total consent order fund would be calculated by multiplying the number of eligible gallons pruchased by the applicant by a factor using the consent order fund as the numerator and the total gallons of product covered by the consent order as the denominator. We also stated that we would consider at a future date granting refunds to successful claimants beyond the volumetric level, based upon our evaluation of six equitable factors.[1] Subsequently, in *Pennzoil Company/Paul L. Strycula,* 12 DOE ¶ 85,211 (1985) (*Strycula*) we found no justification for any additional *Pennzoil* refunds based on the equitable factors approach.

Oerther and Maybee, two claimants to which refunds were granted in the Pennzoil proceeding under the volumetric approach, appealed to the United States District Court for the Eastern District of Michigan our determination not to grant further refunds based on a consideration of the equitable factors.[2] *Oerther v. DOE,* No. 84–CV–7240–DT (E.D. Mich. 1986). By Order of June 30, 1986, the court remanded the Oerther proceeding to the OHA. The court stated that we may either evaluate the Plaintiffs' refund claims pursuant to the six equitable factors enumerated in *Pennzoil,* or, through appropriate proceedings, establish new standards for evaluating additional claims for Pennzoil refunds pursuant to our Subpart V regulations.

After reviewing the court's memorandum opinion, we decided to fulfill its directive by electing the latter option. Accordingly, on March 4, 1987, we issued a Proposed Decision and Order setting forth new standards for evaluation those additional claims.[3]

In the Proposed Order, we tentatively decided that no additional refunds should be issued to successful Pennzoil claimants based on the equitable factors approach. We pointed out that *Pennzoil* was one of our earliest Subpart V refund implementation orders. At the time *Pennzoil* was issued, we believed that it might be appropriate to grant classes of successful claimants refunds beyond volumetric levels, based on the six equitable factors. We gained considerable experience in formulating Subpart V procedures during the six-year period since *Pennzoil* was issued. We now believe that augmenting refunds to classes of applicants in that manner is not justified, is administratively difficult to implement and could well confer unwarranted benefits. As we indicated in the Proposed Order, we found no justification for providing additional disbursements from the contents of an escrow account on a class basis. In fact, in no Subpart V proceeding has the DOE made this kind of incremental distribution. Furthermore, as we have stated in the past, as a general rule, we are reluctant to distribute refunds beyond volumetric amounts to those applicants that simply happened to have filed applications. *E.g., Office of Special Counsel for Compliance, Economic Regulatory Administration: In the Matter of Standard Oil Company (Indiana) (Amoco),* 10 DOE ¶ 85,048 (1982). We therefore tentatively decided that a general distribution above volumetric levels should not be made to claimants in the Pennzoil proceeding.

As we also pointed out in the Proposed Order, we have always been willing to consider claims of individual applicants that they were disproportionately overcharged and should therefore receive a refund greater than the volumetric amount. *E.g., Strycula,* 12 DOE at 88,669; *Amoco,* 10 DOE at 88,199. We specifically considered such a claim in the Pennzoil proceeding itself. *Pennzoil Co./Gulf Oil*

[1] The equitable factors set forth in *Pennzoil* are (i) the amount of interest accumulated in the Pennzoil escrow account; (ii) the number of qualified applicants and their aggregate purchase volumes compared to the amount of Pennzoil product sales during the consent order period; (iii) the impact of the alleged violations on the claimant's business; (iv) market conditions during the consent order period; (v) the claimant's position in the distribution chain (reseller, retailer, consumer) and (vi) the manner in which the claimant's business is governed by regulatory agencies or contractual agreements, such as those affecting cooperatives. *Pennzoil,* 9 DOE at 85,248.

[2] In a memorandum opinion of November 21, 1984, the court granted Oerther and Maybee's Motion for Class Certification. The certified class included all those that had received refunds in our Pennzoil refund proceeding. In the appeal, Oerther and Maybee also argued that the volumetric approach was improper and that the entire Pennzoil fund must be distributed on a pro rata basis among all successful Pennzoil claimants. In this regard the firms maintained that the mere showing of banks of unrecouped product costs was a showing of injury sufficient to warrant such a distribution. The court rejected this aspect of the firms' appeal.

[3] Pursuant to 10 CFR 205.282(a), the OHA issues a Proposed Decision and Order setting forth standards and procedures that it intends to apply in evaluating refund claims. The Proposed Decision is to be published in the Federal Register and there must be at least a 30 day period in which any member of the public may file comments with respect to that tentative determination. 10 CFR 205.282(b). Pursuant to 10 CFR 205.282(c) the OHA considers comments received and issues a final Decision and Order governing the disposition of refunds. It is this process that governs the Pennzoil remand proceeding.

Corp., 12 DOE ¶ 85,057 (1984).[4] Pennzoil applicants should therefore have been well aware that in order to receive a refund beyond the volumetric amount, they would have had to show that they experienced a disproportionate Pennzoil overcharge. No Pennzoil applicant made this type of showing, and refunds were approved in this proceeding on a volumetric, pro-rata basis. In view of these considerations, we tentatively determined in the Proposed Order that all Pennzoil consent order funds that the DOE has not disbursed to purchasers of Pennzoil products for purposes of direct restitution should be distributed to State governments in order to effect indirect restitution.[5]

As required by 10 CFR 205–282(b) we published in the **Federal Register** a Notice of the Proposed Decision and Order and provided a 30 day period for the public to provide comments on our tentative determination. That Notice was published on March 12, 1987. 52 FR 7685. The 30 day comment period has now elapsed. We are ready to consider the comments received on the Proposed Order and issue a final Decision and Order with respect to the Pennzoil refund procedures.

We received two comments regarding our Pennzoil Proposed Order. One comment was filed by Lyon Oil Company, a Pennzoil reseller. Lyon received a refund of $7,303 plus interest in the first stage of our Pennzoil refund proceeding. *Pennzoil Company/B & L Motor Freight, Inc., et al.*, 10 DOE ¶ 85,037 (1982). That refund was based on the volumetric approach discussed above. In its comments regarding our Proposed Order, Lyon claims that Pennzoil raised its prices by two cents per gallon in 1975 and that, as a result, Pennzoil's prices were higher than those of other product distributors in Lyon's market area. Lyon asserts that it was not able to recover that two-cent per gallon price increase on any Pennzoil product it sold during the four-month period from November 1975 through February 1976. The firm therefore requests a refund of $80,000 based on that alleged two-cent per gallon overcharge. Although Lyon alleges that it was overcharged by two cents per gallon by Pennzoil, it has failed to show that it was disproportionately overcharged as compared to other Pennzoil resellers. Therefore, we cannot find any basis for granting it a refund in an amount greater than the volumetric amount. As we stated above, Lyon has already received a refund in that amount. Accordingly, we see no basis for increasing Lyon's refund. The second comment was filed by the Attorneys General for the States of Alabama, Indiana and Ohio. In *Pennzoil Company* we determined that remaining Pennzoil funds should be disbursed to those three States, among others, to effect indirect restitution. Not surprisingly, these States support the procedures set forth in the Proposed Order.

We have received no comments recommending that we revise the procedures set forth in our Proposed Order and since we see no reason to alter any of those procedures, we shall adopt the proposed procedures as final procedures for disbursing the balance of the Pennzoil escrow account. Therefore, the remaining Pennzoil funds shall be disbursed to State governments as described in *Pennzoil Company* in order to effect indirect restitution.

It is therefore ordered that:

(1) The funds remaining in the Pennzoil Company escrow account shall be disbursed pursuant to the procedures set forth in *Pennzoil Company* on February 12, 1985 in Case Number HQF-0024.

(2) This is a final Order of the Department of Energy.

Dated: May 7, 1987.

George B. Breznay,

Director Office of Hearings and Appeals.

[FR Doc. 87–11074 Filed 5–13–87; 8:5 am]

BILLING CODE 6450–01–M

Cases Filed; Week of April 17 Through April 24, 1987

During the Week of April 17 through April 24, 1987, the applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the applications within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 8, 1987.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of April 17 through April 24, 1987]

Date	Name and Location of Applicant	Case No.	Type of submission
Apr. 13, 1987	South Dakota, Pierre, SD	KER-0023	Request for modification/rescission. If granted: The February 27, 1987 Decision and Order issued to South Dakota (Case No. KEG-0004) would be modified regarding the state's plan for use of monies obtained through the Stripper Well Settlement Agreement.
Apr. 16, 1987	Palo Pinto, Belridge & Amoco/ Kansas, Topeka, KS	RM5-63, RM8-64, RM21-65	Request for modification/rescission in the Palo Pinto Belridge & Amoco Second Stage Refund Proceedings. If granted: The December 10, 1986 Decision and Order (Case Nos. RM 5-54 RM8-53 & RM21-52) issued to Kansas would be modified regarding the state's application for refund submitted in the Palo Pinto, Belridge & Amoco Second Stage Refund Proceedings.
Apr. 17, 1987	Aminoil/Wilhelm Enterprises, St. Louis, MO	RR139-9	Request for modification/rescission in the Aminoil Refund Proceeding. If granted: The March 9, 1987 Decision and Order (Case No. RF139-33) issued to Wilhelm Enterprises would be modified regarding the firm's application for refund submitted in the Aminoil refund proceeding.

[4] In that proceeding, Gulf alleged that it was overcharged in its purchases of crude oil from Pennzoil. The measure of the overcharges alleged by Gulf was the difference between the price it paid Pennzoil and the correct ceiling price for the crude oil. After fully considering this claim of an overcharge in an amount greater than the volumetric amount, we rejected the application, finding that Gulf had not adequately established that the prices it paid Pennzoil exceed the correct ceiling prices.

[5] In order to effect this indirect restitution, a division of the remaining Pennzoil funds among eleven affected States (including the Commonwealth of Puerto Rico) was made pursuant to *Pennzoil Company*, 12 DOE ¶ 85,183 (1985) (*Pennzoil Company*). The States, rights to those funds were preserved under section 3002(c)(3) of the Petroleum Overcharge Distribution and Restitution Act of 1986. No funds have yet actually been disbursed to the States pending the outcome of the Oerther appeal. In order to receive its allotted funds, a State will be required to file with OHA an appropriate plan for use of the monies.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of April 17 through April 24, 1987]

Date	Name and Location of Applicant	Case No.	Type of submission
Apr. 17, 1987	Texaco, Inc., Washington, DC	KCX-0032	Federal Energy Regulatory Commission Remand. If granted: The September 5, 1986 Decision and Order (Case No. HRO-0273) issued to Texaco, Inc. by the Office of Hearings and Appeals would be modified in conenection with April 15, 1987 order issued by Federal Energy Regulatory Commission.
Apr. 21, 1987	Oil Marketing Co., Inc., Stilwell, OK.	KEE-0138	Exception to the Reporting Requirements If granted: Oil Marketing Co., Inc. would not be required to file Form EIA-782B, Reseller/Retailer Monthly Petroleum Product Sales Report.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/ name of refund applicant	Case No.
4/20/87	PPG Industries, Inc	RF272-428
4/20/87	Citrus World, Inc	RF272-429
4/20/87	R.I. Public Transit Authority	RF272-430
4/20/87	Clark County School District	RF272-431
4/20/87	Romulus Saccoccio	RF276-159
4/20/87	Josephine M. LeMay	RF276-160
4/20/87	Marshall Famiglietti	RF276-161
4/20/87	Nunziato Lindia	RF276-162
4/20/87	Salvatore Cece	RF276-163
4/20/87	Jeannette D'Arezzo	RF276-164
4/20/87	Arthur Defino	RF276-165
4/20/87	Bethlehem Steel Corp	RF225-10760
11/28/86	Beoddy Oil Co	RF225-10761
7/14/86	Mihm Oil Co	RF225-10762
4/20/87	Stewie's Oil Service	RF225-10763
4/21/87	Publicker Industries, Inc	RF272-432
4/21/87	Albertsons, Inc	RF272-433
4/21/87	Hexcel Corp	RF272-434
4/21/87	Caroline A. Laudati	RF276-166
4/21/87	Henry Moretti	RF276-167
3/03/87	Kent Oil & Trading Co	RF245-15
4/23/87	Federal Hoffman, Inc	RF272-435
4/23/87	Ann McGowan	RF276-168
4/23/87	Joseph Ruggieri	RF276-169
4/23/87	Arthur N. Votolato, Jr	RF276-170
4/23/87	John R. Cipalone	RF276-171
4/23/87	Carlton A. Greene	RF276-172
4/23/87	Altheimer Oil Co	RF108-33
4/23/87	Daigle Butane & Applicance	RF140-55
4/23/87	Ramey Co	RF253-12
4/23/87	Ed's Mobil	RF225-10764
4/23/87	Hood's Service Center, Inc	RF225-10765
4/23/87	Hood's Service Center, Inc	RF225-10766
4/23/87	Barbe's Friendly Service	RF225-10767
4/23/87	Jack's Mobil	RF225-10768
4/23/87	Jim's Mobil Service	RF225-10769
4/23/87	Edward H. Falumbo	RF276-173
4/24/87	Joseph Caruolo	RF276-175
4/23/87	Dave's Husky	RF161-106
4/17/87 thru 4/24/87	Getty Refund Applications	RF265-1079 thru RF265-1159

[FR Doc. 87-11071 Filed 5-13-87; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of March 9 Through March 13, 1987

During the week of March 9 through March 13, 1987, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Imhoff & Lynch, 3/12/87; KFA-0079

Imhoff & Lynch filed an Appeal from a partial denial by the Idaho Operations Office of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the material requested was correctly withheld under Exemptions 5 and 6. Important issues that were considered in the Decision and Order were: (i) Whether, under Exemption 6, death of an individual extinguishes all privacy rights in personal information contained in agency files; and (ii) whether the notes of DOE officials recording information supplied by non-agency personnel are intra-agency communications within the meaning of Exemption 5

Motion for Discovery

Bayport Refining Company, Olene Crumpton, Malcolm Turner, Robert Houser, Harry Mason, 3/13/87; HRD-0270, HRH-0270, KRZ-0031, KRZ-0053, KRZ-0054, KRZ-0055, and KRZ-0056

Bayport Refining Company, and four Bayport officers/employees filed a Motion for Discovery and Motion for Evidentiary Hearing in support of their objections to a Proposed Remedial Order issued to them. The PRO alleged that the Respondents engaged in the practice of layering. The DOE denied the Motion for Discovery, on the grounds that the Respondents had failed to provide a legal or factual basis for any of their requests. However, the DOE granted the Motion for Evidentiary Hearing, so that the Respondents could conform their position in the case to recent developments in agency law regarding: (i) The services they claim to have performed in connection with the sales cited in the PRO; and (ii) the extent to which they had control over and benefited from the firm's business activities. Each of the individual Respondents also filed a motion requesting dismissal from the proceeding. The DOE denied all but one of those motions, noting that if the ERA succeeded in proving its allegations, there was a sufficient legal basis for holding three of the four individual Respondents liable. In regard to the one individual which it did dismiss the DOE determined that the party in question had no authority at the company and had received only a salary for performance of secretarial duties.

Interlocutory Order

Leonard D. Rice d/b/a Rice Oil Company, Rice-Lindquist, Inc., 3/10/87; HRZ-0235, HRR-0099

Leonard D. Rice d/b/a Rice Oil Company and Rice-Lindquist, Inc. (Rice) filed a Motion to Dismiss and Request for Reconsideration of a prior Decision denying a Motion for Discovery and Evidentiary Hearing. The submissions were filed in connection with a Proposed Remedial Order (PRO) issued to Rice. In the Motion to Dismiss, Rice argued that portions of the PRO alleging violations of the price regulations promulgated pursuant to the Economic Stabilization Act of 1970 (ESA) must be vacated, since the DOE is without statutory authority to allege violations under that Act. The DOE found that the legislative history clearly indicates that the DOE is authorized to issue remedial orders pursuant to the ESA. In considering Rice's Request for Reconsideration, the DOE determined that Rice had not demonstrated the existence of any factual dispute that would warrant discovery or an evidentiary hearing. Accordingly, the Motion to Dismiss and the Request for Reconsideration were denied.

Refund Applications

Aminoil U.S.A., Inc./Miller's LP Gas Service, Inc., et al., 3/9/87; RF139-6, et al.

The DOE issued a Decision and Order granting refunds from the Aminoil U.S.A., Inc. consent order fund to 12 reseller-retailers of Aminoil natural gas liquid products (NGLPs). One applicant received its full volumetric share of the consent order fund based on the small claims presumption of injury. The remaining 11 firms were all eligible for refunds in excess of the $5,000 threshold, but were unable to provide the demonstration of injury necessary to receive such refunds. Therefore, each of the remaining firms' refunds was limited to the $5,000 small claims threshold amount. The refunds to these firms total $97,482, representing $58,025 in principal and $39,457 in interest.

C.K. Smith & Company, Inc./Fairlawn Oil Service, Inc., 3/12/87; RF284-7

The DOE issued a Decision and Order concerning an Application for Refund filed by Fairlawn Oil Service, Inc. from a consent order fund made available by C.K. Smith & Company, Inc. The DOE found that Fairlawn was a reseller of No. 2 heating oil purchased from Smith during the consent order period. Since the amount of the refund for which Fairlawn applied was less than the $5,000 small claims amount provided for in the Order implementing procedures for disbursing the Smith fund, the claimant was

not required to submit a detailed proof of injury. Accordingly, Fairlawn was granted a refund in the amount of its full volumetric share, $3,989, plus $3,355 in accrued interest.

Cloyce K. Box/Conoco, Inc., 3/11/87; RF291–1

The DOE issued a Decision and Order concerning an Application for Refund filed by Conoco, Inc., seeking a portion of the settlement fund obtained by the DOE through a consent order entered into with Cloyce K. Box. The Box consent order covered sales of OKC Corporation motor gasoline at illegal prices by J.R. Adams Oil Co. and Ritco, Inc., two brokers acting on Box's behalf. Using the standards established for disbursing the Box consent order fund, the DOE determined that Conoco was injured by Adams' pricing practices during the consent order period and was therefore eligible for a refund of $458,532 ($233,979 in principal and $224,553 in interest).

Farstad Oil Company/Ahmann's Service Center Conrad Ziegler, 3/10/87; RF261–2, RF261–12

The DOE issued a Decision and Order concerning two Applications for Refund filed by purchasers of motor gasoline from Farstad Oil Company. Each firm applied for a refund based on the procedures established for the disbursement of settlement funds received from Farstad pursuant to a Consent Order. Since both of the applicants claimed refunds of $5,000 or less, they were presumed to have been injured by Farstad's alleged overcharges. After examining the applications and supporting documentation submitted by the applicants, the DOE concluded that they should receive refunds totaling $713, representing $563 in principal and $150 in accrued interest.

Florida Furniture Industries, Inc., Van de Kamp's Holland Dutch Bakers, Inc., 3/9/87; RF270–1106, RF270–1111

The Department of Energy (DOE) issued a Decision and Order approving a manufacturing company and a bakery for refunds from the Surface Transporters Escrow, established as the result of the Stripper Well Settlement Agreement. Each company operates a private fleet of trucks and based its claim on purchases of diesel fuel between August 19, 1973 and January 27, 1981. The DOE's Decision approved each company's purchase volumes. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

GCO Minerals Co./Enterprise Products Company, Inc., 3/13/87; RF254–1

The DOE issued a Decision and Order concerning an Application for Refund filed by Enterprise Products Company, seeking a portion of the funds remitted by GCO Minerals Company pursuant to a consent order that GCO entered into with the DOE. Enterprise purchased 85,553,683 gallons of natural gas liquid products from GCO during the consent order period. The DOE found that in each quarter in which it purchased normal butane and isobutane from GCO, Enterprise experienced a competitive disadvantage. In addition, the DOE found that Enterprise suffered injury in its purchases of commercial butane and natural gasoline. Accordingly, DOE granted refunds equal to the volumetric refund amount for these four products. The DOE also found that for a portion of the propane that it purchased, Enterprise was charged prices below the average market price levels. As a result, Enterprise obtained a substantial cost benefit. Considering the competitive advantage that Enterprise enjoyed from purchases of propane from GCO, the DOE limited the propane refund to Enterprise to an amount equal to the gallons of propane that Enterprise purchased at above market prices multiplied by the per gallon refund rate. The refund granted totals $349,172, representing $295,698 in principal and $53,474 in interest.

Getty Oil Company, All-American, Inc., et al., 3/11/87; RF265–123, et al.

The DOE issued a Decision and Order concerning six Applications for Refund filed by end-users of products covered by a consent order that the agency entered into with Getty Oil Company. The Applications were evaluated in accordance with the procedures set forth in *Getty Oil Co.*, 15 DOE ¶ 85,064 (1986). The sum of the refunds approved in this Decision is $9,597, representing $4,994 in principal and $4,653 in interest.

Getty Oil Company/Big River Oil Company, et al., 3/12/87; RF265–174, et al.

The DOE issued a Decision and Order granting 74 Applications for Refunds from the Getty Oil Company consent order fund. The refund applicants, who were reseller-retailers of Getty refined petroleum products, documented purchases of Getty products for the consent order period and were eligible for 100 percent of their volumetric share, based upon the small claims presumption of injury. The refunds to these firms total $210,625, representing $108,515 in principal and $102,110 in accrued interest.

Gulf Oil Corporation/City Gulf Service, et al., 3/12/87; RF40–2267, et al.

The DOE issued a Decision granting seven Applications for Refund from the Gulf Oil Corporation consent order fund filed by retailers and resellers of Gulf refined products. In considering the applications, the DOE found that each of the claimants had demonstrated that it would not have been required to pass through to its customers a cost reduction equal to the refund claimed. Accordingly, the firms were granted refunds totalling $9,285, representing $7,501 in principal and $1,784 in interest.

Gulf Oil Corporation, Hank's Service Center, Inc., et al., 3/10/87; RF40–3633, et al.

The DOE issued a Decision and Order concerning eight Applications for Refund filed by resellers and retailers of Gulf Oil Corporation petroleum products. In accordance with procedures established for disbursing the Gulf consent order fund, each applicant demonstrated that it would not have been required to pass through to customers a cost reduction equal to the amount of refund claimed. Accordingly, refunds were approved that totaled $25,249, representing $20,400 in principal and $4,849 in interest.

Gulf Oil Corporation/Saunders Leasing System, 3/12/87; RF40–706

The DOE denied a refund from the Gulf Oil Corporation deposit fund escrow account to Saunders Leasing System. Saunders was a truck leasing company that bought Gulf diesel fuel and resold it to its leasing customers. For this reason, Saunders was considered a reseller of petroleum products for the purposes of this proceeding and must provide evidence that it would not have been required to pass through to its customers a cost reduction equal to the refund amount claimed. Since Saunders could not make this showing, the DOE denied its refund application.

Gull Industries, Inc./Al Bolser Tire Stores, Paramount Oil Co., 3/13/87; RF260–15, RF260–19

The DOE issued a Decision and Order granting two Applications for Refund from the Gull Industries, Inc. consent order fund. Since each applicant was a reseller whose claim was for less than the $5,000 small claims refund amount, no further proof of injury was required. The refunds approved in the Decision totaled $8,419.45, representing $5,566.13 in principal and $2,853.32 in interest.

Gull Industries, Inc./John M. Taylor, et al., 3/13/87; RF258–12, et al.

The DOE issued a Decision and Order granting three Applications for Refund from the Gull Industries, Inc. consent order fund. Since each applicant was a reseller whose claim was for $5,000 or less, no further proof of injury was required. The refunds approved in the Decision totaled $16,524.84, representing $10,005.35 in principal and $6,519.49 in interest.

Gull Industries, Inc./Perovich & Son Fuel, et al., 3/12/87; RF259–4, et al.

The DOE issued a Decision and Order granting seven Applications for Refund from the Gull Industries, Inc. consent order fund. Each applicant was either a reseller of Gull product whose claim was for $5,000 or less or an end-user. Therefore, no further proof of injury was required. The refunds approved in the Decision totaled $33,046, representing $21,684 in principal and $11,362 in interest.

Hanover Transfer Co., et al., 3/12/87; RF270–972, et al.

The DOE issued a Decision and Order concerning four Applications for Refund from the $10.75 million Surface Transporters Escrow fund established pursuant to the settlement agreement in the DOE stripper well exemption litigation. None of the applicants purchased more than the 250,000 gallon minimum set forth in the Order establishing the Surface Transporters Escrow. Accordingly, all four Applications were denied.

Heartland Express, Inc. of Iowa, Momsen Trucking, Inc., James Fleming Trucking, Inc., Sullivan's Trucking Co., Inc., 3/12/87; RF270–749, RF270–758, RF270–762, and RF270–780

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the

settlement agreement in the DOE stripper well exemption litigation. The DOE approved the gallonages of refined petroleum products claimed by four trucking companies and will use those gallonages as a basis for the refund that will ultimately be issued to each of the four firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the four firms' refunds will be determined at a later date.

La Gloria Oil & Gas Co./Toliver Oil Products, et al., 3/12/87; RF263–19, et al.

The DOE issued a Decision and Order granting Applications for Refund filed by three resellers of refined petroleum products covered by a consent order which the agency entered into with La Gloria Oil & Gas Co. Each of the applicants presented evidence that it purchased refined petroleum products from La Gloria during the consent order period, and claimed refunds at or below the $5,000 small claims threshold for resellers. According to the methodology set forth in the order implementing procedures for disbursing the La Gloria fund, each applicant was found eligible for a refund based on the volume of its purchases times the volumetric refund amount. The refunds approved in this Decision totaled $10,325, including $5,729 in principal and $4,596 in interest.

Marathon Petroleum Company/Acme Fuel Company, et al., 3/9/87; RF250–2329, et al.

The DOE issued a Decision and Order concerning 83 Applications for Refund filed by purchasers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each applicant submitted information indicating the volume of its Marathon purchases, and none requested a refund greater than the $5,000 small claims refund amount. The sum of the refunds approved in this Decision is $93,269, representing $86,287 in principal and $6,982 in interest.

Marathon Petroleum Company/Amoco Oil Company, 3/9/87; RF250–2216, RF250–2217, RF250–2218, and RF250–2219

The DOE issued a Decision and Order concerning four Applications for Refund from the Marathon Petroleum Company consent order fund filed by Amoco Oil Company. Amoco, a reseller of Marathon propane, residual fuel oil, naphtha and middle distillates, elected to file its refund applications based upon the 35 percent presumption of injury set forth in the order implementing procedures for disbursing the Marathon consent order fund. After examining the evidence and supporting data submitted by the firm, the DOE concluded that Amoco should receive a refund of $12,655.66 in principal and $816.91 in accrued interest for a total refund of $13,472.57.

Marathon Petroleum Company/Cannon Oil Corporation, 3/11/87; RF250–2296, RF250–2297

The DOE issued a Decision and Order concerning two Applications for Refund from the Marathon Petroleum Company consent order fund filed by Cannon Oil Corporation. Cannon, a reseller of Marathon middle distillates and motor gasoline, elected to file its refund applications based upon the 35 percent presumption of injury set forth in the order implementing procedures for disbursing the Marathon consent order fund. After examining the evidence and supporting data submitted by the firm, the DOE concluded that Cannon should receive a refund of $15,592.22 in principal and $1,007.52 in accrued interest for a total refund of $16,599.74.

Marathon Petroleum Company/ Ingram Corporation, 3/13/87; RF250–2300

The DOE issued a Decision and Order concerning an Application for Refund from the Marathon Petroleum Company consent order fund filed by Ingram Corporation. Ingram, a reseller of Marathon covered products, elected to file its refund application based upon the 35 percent presumption of injury outlined in the Marathon decision. After examining the evidence and supporting data submitted by the firm, the DOE concluded that Ingram should receive a refund of $17,496.19 in principal and $1,191.07 in accrued interest for a total refund of $18,687.26.

Marathon Petroleum Company/ Park Oil Company, 3/9/87; RF250–1907

The DOE issued a Decision and Order concerning an Application for Refund from the Marathon Petroleum Company consent order fund filed by Park Oil Company. Park, a reseller of Marathon motor gasoline elected to limit its refund claim to $5,000, the small claims injury presumption set forth in the decision implementing procedures for disbursing the Marathon consent order fund. After examining the evidence and supporting data submitted by the firm, the DOE concluded that Park should receive a refund of $5,000 in principal and $322.68 in accrued interest for a total refund of $5,322.68.

Marathon Petroleum Company/ Publix Oil Company, Inc., 3/11/87; RF250–2305, RF250–2306

The DOE issued a Decision and Order concerning two Applications for Refund from the Marathon Petroleum Company consent order fund filed by Publix Oil Company, Inc. Publix, a reseller of Marathon diesel fuel and motor gasoline, elected to file its refund applications based upon the 35 percent presumption of injury outlined in the decision implementing procedures for disbursing the Marathon consent order fund. After examining the evidence and supporting data submitted by the firm, the DOE concluded that Publix should receive a refund of $31,323.38 in principal and $2,023.22 in accrued interest for a total refund of $33,346.60.

Marathon Petroleum Company/ Stauder Oil Sales Co., Inc./ Erickson Petroleum Corp., 3/13/87; RF250–2345

The DOE issued a Decision and Order concerning an Application for Refund from the Marathon Petroleum Company consent order fund filed by Stauder Oil Sales Co., Inc./Erickson Petroleum Corp. Stauder/ Erickson, a reseller of Marathon diesel fuel and motor gasoline, elected to file its refund applications based upon the 35 percent presumption of injury outlined in the decision implementing procedures for disbursing the Marathon consent order fund. After examining the evidence and supporting data submitted by the firm, the DOE concluded that Stauder/Erickson should receive a refund of $8,700.47 in principal and $562.31 in accrued interest for a total refund of $9,262.78.

Marathon Petroleum Company/Star Service and Petroleum Company, 3/11/87; RF250–2303, RF250–2304

The DOE issued a Decision and Order concerning two Applications for Refund from the Marathon Petroleum Company consent order fund filed by Star Service and Petroleum Company. Star, a reseller of Marathon middle distillates and motor gasoline, elected to file its refund applications in accordance with the procedures for filing claims under the 35 percent presumption method outlined in the decision implementing procedures for disbursing the Marathon consent order fund. After examining the evidence and supporting data submitted by the firm, the DOE concluded that Star should receive a refund of $49,999.99 in principal and $3,229.52 in accrued interest for a total refund of $53,229.51.

Mobil Oil Corporation/A–1 Service, et al., 3/11/87; RF225–6530, et al.

The DOE issued a Decision granting 49 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $21,134, representing $17,406 in principal and $3,728 in interest.

Mobil Oil Corporation/Abolhassan S. Razavi, et al., 3/12/87; RF225–1829, et al.

The DOE issued a Decision granting 48 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $39,771, representing $32,765 in principal and $7,006 in interest.

Mobil Oil Corporation/Bel-Pre Mobil, 3/10/87; RF225–10622

The DOE issued a Decision in which it determined that the owner of Bel-Pre Mobil, Mr. Robert Headlee, had inadvertently been granted a refund for Bel-Pre Mobil's purchases from Mobil prior to the date on which the corporation he owns acquired the station. Accordingly, the DOE ordered Mr. Headlee to remit $598 to the Mobil consent order escrow account.

Perta Oil Marketing Corporation/ Atlantic Richfield Company, Commonwealth Oil Refining Company Inc., 3/12/87; RF289–1, RF289–2

The DOE issued a Decision and Order concerning two Applications for Refund filed by purchasers of refined petroleum products from Perta Oil Marketing Corporation (Perta).

Each firm applied for a refund based on the procedures outlined in *Perta Oil Marketing Corporation*, 15 DOE ¶ 85,106 (1986), governing the disbursement of settlement funds received from Perta pursuant to an August 31, 1981 Consent Order. Since both of the applicants claimed refunds of $5,000 or less, they were presumed to have been injured by Perta's alleged overcharges. After examining the applications and supporting documentation submitted by the applicants, the DOE concluded that they should receive refunds totaling $9,980, representing $6,197 in principal and $3,783 in accrued interest.

Red Bird Cab, Inc., 55th Street Taxi Garage, Inc., Capitol Cab, 3/13/87, RF270–786, RF270–848, RF270–858

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE stripper well exemption litigation. The DOE approved the gallonages of refined petroleum products claimed by three taxicab companies and will use those gallonages as a basis for the refund that will ultimately be issued to the three firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the three firms' refunds will be determined at a later date.

Union Texas Petroleum Corporation/ Blu-Gas of S.C. Inc., 3/10/87, RF140–50

The DOE issued a Decision and Order concerning an Application for Refund filed by Blu-Gas of S.C. Inc., a reseller of propane purchased from Union Texas Petroleum Corporation. The firm elected to apply under the presumption of injury for small refund claims and the volumetric presumption, as set forth in *Union Texas Petroleum Corp.*, 12 DOE ¶ 85,166 (1985). The refund granted in this proceeding totals $6,559, representing $4,522 in principal and $2,037 in interest.

Vickers Energy Corporation/ Wisconsin, 3/11/87; RQ1–360

The Department of Energy issued a Supplemental Order to the State of Wisconsin correcting an error in the amount of a refund previously granted to the State. Wisconsin's refund was stated as $1,085,192 when it should have been $1,085,010. The Order also clarified the manner in which Wisconsin may utilize interest earned on the funds received.

Dismissals

The following submissions were dismissed:

Name	Case No.
Acme Delivery Service, Inc	RF270–2436
Alfa Omega Equities, Inc	RF270–2284
American Service Center	RF270–2421
Atlas Van Lines	RF270–2228
B&B Cash Grocery Stores	RF270–2199
Brunton Van & Storage Co., Inc	RF270–2197
Canadian American Transportation	RF270–2250
Chevron U.S.A. Inc	RF270–286
Commercial Equipment Co., Inc	RF270–2258
Crawford's Mobile	RF270–10374
D.W. Stacey, Inc	RF270–2193
Dick Jones Trucking	RF270–2201
Donald R. Devine	RF270–2302
Doran P. Broden	RF270–2303
Earl A. Ludwig	RF270–2448
Eastern Oregon Fast Freight	RF270–2191
Engle Oostdyk	RF270–2200
Farmers Union Central Exchange, Inc	RF270–161
Field View Form Transportation	RF270–2213
General Excavating, Inc	RF270–2300
H.V.&T.G. Thompson Co	RF270–2274
Hattley's Auto Service	RF225–8070
Henry Transportation, Inc	RF270–2433
Jeffery Marquardt	RF270–2304
Kenosha Auto Transport Corp	RF270–2269
Kingsway Transport, Ltd	RF270–2226
KKW Trucking Inc	RF270–2415
Larry Ratliff	RF40–1436
Lawrence Bruning	RF270–2301
Lawrence Transportation Service	RF270–2254
Leoni Motor Express, Inc	RF270–2251
Lewis Grocer	RF270–2417
Mid-America Farm Lines, Inc	RF270–2253
Minnesota, Dakota & Western Railway Co	RF271–175
Mobil Oil Corp	RF220–154
Newington Mobil	RF225–10282
Newmans Oil Stop Gulf	RF40–3677
Parker Leasing, Inc	RF270–2203
Provan Transport Corp	RF270–2283
Roadrunner Construction	RF270–2431
Roger C. Snyder	RF270–2393
Salt River Project, Agricultural Improvement and Power District	RF290–1
Sayers Gulf Service	RF40–346
Selker Brothers, Inc	RF225–1923
Sorensen Transportation Co	RF270–2413
The Coastal Corp	RF220–257
Three Forks Stores	RF201–2
Three Fuels Store	RF201–6
Underwood Truck Lines, Inc	RF270–2425
Union Drilling, Inc	RF270–2426
Wenczel Tile Co. of Florida	RF270–2230
Whitlock Trucking Inc	RF270–2412
Willey's Express, Inc	RF270–2225
Williams & Dorulus Oil Co	RF112–209
Wisconsin General Cartage	RF270–2248

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 8, 1987.

[FR Doc. 87–11072 Filed 5–13–87; 8:45 am]

BILLING CODE 6450–0HM

Issuance of Decisions and Orders; Week of April 6 Through April 10, 1987

During the week of April 6 through April 10, 1987, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Requests for Exception

J. M. Sweeney Co., 4/9/87; KEE–0095

J. M. Sweeney Company (Sweeney) filed an Application for Exception from the requirment that it file Form EIA–811, entitled "Monthly Bulk Terminal Reports." In considering the request, the DOE found that Sweeney's reporting burden was not significantly different from that of other firms participating in the EIA–811 survey. Accordingly, exception relief was denied.

Spreeman Oil Co., 4/9/87; KEE–0080

Spreeman Oil Company filed an Application for Exception from the requirement that it file Form EIA–782B. In considering the request, the DOE found that the firm was not experiencing any hardship, inequity or unfair distribution of burdens as a result of the reporting requirement. Accordingly, exception relief was denied.

Torch Oil Co., 4/10/87; KEE–0079

Torch Oil Company filed an Application for Exception from the requirement that it file Form EIA–782B. In considering the request, the DOE found that the firm was not experiencing any hardship, inequity or unfair distribution of burdens as a result of the reporting requirement. Accordingly, exception relief was denied.

Interlocutory Order

Ball Marketing, Inc.; KRZ–0057; Economic Regulatory Administration, 4/7/87; KRZ–0032

On June 25, 1986, the Economic Regulatory Administration (ERA) filed a Motion to join Charles Goss, Baker R. Littlefield and Robert L. McAdams as parties to the Proposed Remedial Order (PRO) issued to Ball Marketing, Inc. (Ball) on November 24, 1984. The Office of Hearings and Appeals (OHA) granted this motion, finding that the ERA had established a *prima facie* case of personal liability against the respondents. This finding was based upon a showing of the parties' involvement as partners in the joint venture, Ball Marketing Enterprise (BMI), which performed the violations alleged in the PRO. The OHA further concluded that joinder of these parties was not unduly prejudicial since the respondents would be afforded their full procedural rights and since the public interest in ensuring full restitution of any overcharges outweighs any inconvenience caused by the delay in the proceeding. In addition, a Motion to Dismiss the PRO which Ball filed on May 1, 1985, was denied. The OHA rejected Ball's argument that the PRO failed to establish a *prima facie* case for Ball's liability as BMI's successor in interest for the regulatory violations allegedly performed by BMI. The OHA also found that joinder of the partners of BMI did not constitute grounds for dismissing Ball as a party to the proceeding.

Supplemental Order

Stoel, Rives, Boley, Fraser & Wyse, 4/10/87; KFX–0060

The DOE issued a Supplemental Order to the law firm of Stoel, Rives, Boley, Fraser & Wyse (Stoel, Rives) regarding the DOE's January 28, 1987 determination that Stoel, Rives has submitted inaccurate information in a refund application filed on behalf of Moore Oil Company in the Wisconsin

Industrial Fuel Oil refund proceeding. *Wisconsin Industrial Fuel Oil, Inc./Moore Oil Co.*,15 DOE ¶85,272 (1987) (*Moore Oil*). Specifically, the supplemental Order considered whether to impose sanctions on Stoel, Rives for the submission of false or misleading information, including suspension of Stoel, Rives' privilege of participating in the proceedings before the Office of Hearings and Appeals, pursuant to 10 CFR 206.3(b). After reviewing Stoel, Rives' comments in response to the *Moore Oil* Decision and other evidence in the proceeding, the OHA concluded that Stoel, Rives should retain the privilege of participating in proceedings before the OHA because Stoel, Rives had made some effort to insure that the information it submitted was accurate and because the erroneous information had been supplied to Stoel, Rives by Moore Oil Company.

Refund Applications

Babbitt Bus Line, Inc., et al., 4/8/87; RF270–444 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the Settlement Agreement in the DOE Stripper Well Exemption litigation. The DOE approved the purchase volumes of refined products claimed by six bus companies and will use those volumes as a basis for the refund that will ultimately be issued to the six firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the six firms' refunds will be determined at a later date.

Beacon Oil Co./The Customer Co., 4/9/87; RF238–32

The DOE issued a Decision and Order concerning an Application for Refund filed on behalf of the Customer Company (Customer), a retailer of Beacon Oil Company motor gasoline. Customer applied for a refund based on the procedures outlined in *Beacon Oil Co.*, 14 DOE ¶85,011 (1986), as modified by *Beacon Oil Co.*, 14 DOE ¶85,509 (1986), governing the disbursement of settlement funds received from Beacon pursuant to a December 17, 1979 Consent Order. Based on the principles established for evaluating refund applications in the Beacon special refund proceeding, the DOE concluded that Customer had been injured with respect to the 3,957,996 gallons of regular gasoline that it purchased from Beacon during the periods, August 19, 1973 through October 31, 1973, and September 1, 1974 through March 31, 1975. Accordingly, Customer was granted a refund of $116,314, representing $60,466 in principal and $55,848 in accrued interest.

Cecio Bros, Inc., et al., 4/6/87; RF270–775 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved the purchase volumes of refined petroleum products claimed by four companies which operated private fleets of trucks and will use those volumes as a basis for the refund that will ultimately be issued to the four firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the four firms' refunds will be determined at a later date.

Gary Energy Corp./R.M.T. Properties, Inc., 4/8/87; RF47–4

The DOE issued a Decision and Order concerning an Application for Refund filed by R.M.T. Properties, Inc. (RMT) in connection with the Gary Energy Corporation special refund proceeding. RMT filed as the successor in interest to a firm which purchased product from Gary Energy Corporation for use in its refining operations. In support of its claim, RMT showed evidence that its predecessor maintained sizable cost banks. From price data submitted by RMT, the DOE applied the three-step competitive disadvantage methodology, and determined that the applicant was entitled to a refund of $14,309 in principal and $3,705 in interest from the Gary deposit escrow account.

Getty Oil Co. Marathon Oil Co., RF265–897; Walker Oil Co., 4/7/87; RF265–898

The DOE issued a Supplemental Order concering two Applications for Refunds from the Getty Oil Company deposit escrow fund filed by Marathon Oil Company (Marathon) and Walker Oil Company (Walker). Both applicant had previously received refunds as specified in *Getty Oil Co./Big River Oil Co.*, 15 DOE ¶——— (RF265–174, *et al.*) (March 12, 1987). After issuing the March 12 determination, it appeared that the purchase volume figures upon which the refunds had been calculated were less than those documented in the firms' applications. The Supplemental Order provided additional refunds of $343 to Marathon and $64 to Walker to correct the miscalculation.

Getty Oil Co./Barone Bros. Auto Service, Inc., et al., 4/8/87; RF265–209 et al.

The DOE issued a Decision and Order granting 56 Applications for Refunds from the Getty Oil Company deposit escrow fund filed by reseller-retailers of Getty refined petroleum products. All of the refund applicants documented purchases of Getty products for the period August 19, 1973 through December 31, 1978, and were eligible for 100 percent of their volumetric share based upon the small claims presumption of injury. The refunds to these firms total $188,640, representing $96,762 in principal and $91,878 in accrued interest.

Gull Industries, Inc./Franko Oil Co., Inc., et al., 4/6/87; RF259–16 et al.

The DOE issued a Decision and Order granting four Applications for Refund from the Gull Industries, Inc. escrow account under the provisions outlined in *Gull Industries, Inc.*, 14 DOE ¶ 85,381 (1986). Each applicant was listed in the Appendix to that Decision as being eligible for a specified refund amount from the Gull consent order fund based upon the volume of petroleum products purchased from Gull during the consent order period. Each applicant was a reseller whose claim was for $5,000 or less; therefore no further proof of injury was required. The refunds approved in the Decision totaled $24,245, representing $25,880 in principal and $8,365 in interest.

H.G. Toys; RF270–17; Blu-Gas Service Inc.; RF270–27; White Star Bus Line, 04/06/87; RF270–35

The Department of Energy (DOE) issued a Decision and Order concerning three Applications for Refund from the Surface Transporters Escrow, established as the result of the Stripper Well Settlement Agreement. All three applicants applied for refunds based on purchases of less than 250,000 gallons of petroleum products. The DOE determined the companies' applications should be denied because applicants which purchased less than 250,000 gallons of petroleum products are ineligible for Surface Transporters refunds under the terms of the Order Establishing Surface Transporters Escrow.

Marathon Petroleum Co./Adee Butler, et al., 4/7/86; FR250–2645 et al.

The DOE issued a Decision and Order concerning 31 Applications for Refund filed by resellers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each applicant documented the volume of its Marathon purchases, and none requested a refund greater than the $5,000 small claims refund amount. The sum of the refunds approved in this Decision is $24,910, representing $22,942 in principal and $1,968 in interest.

Marathon Petroleum Co./Four Star Service Stations, Inc., 4/7/87; RF250–2396, RF250–2397

The DOE issued a Decision and Order concerning two Applications for Refund filed by Four Star Service Stations, Inc. (Four Star), a reseller of Marathon covered products. Although the firm's purchase of middle distillates and motor gasoline from Marathon during the consent order period exceeded the threshold refund level established in *Marathon Petroleum Co.*, Four Star elected to file its refund applications in accordance with procedures for filing claims based upon the 35 percent presumption of injury outlined in the Marathon decision. After examining the evidence and supporting data submitted by the firm, the DOE concluded that Four Star should receive a total refund of $17,765.48, representing $16,633.24 in principal and $1,132.24 in accrued interest.

Marathon Petroleum Co./Growmark, Inc., 4/7/87; RF250–2367, RF250–2370

Growmark, Inc. filed Applications for Refund seeking a portion of the consent order funds remitted to the DOE by Marathon Petroleum Company. The DOE found that since Growmark is an agricultural cooperative that indicated that it would pass through any refund received to its members, Growmark would not be required to establish that it absorbed alleged Marathon overcharges. Therefore, Growmark was granted a refund in the full amount of its claim for Marathon product sold to cooperative members. However, the DOE did

not grant Growmark a refund for those volumes of Marathon product that were resold to members of the public. The total refund granted in this proceeding was $169,957, representing $156,197 in principal and $13,760 in accrued interest.

Marathon Petroleum Co./Little Champ Oil Co.; Fleet Supplies, Inc., 4/7/87; RF250–1650, RF250–1651, RD250–2433

The DOE issued a Decision and Order concerning Applications for Refund filed by two purchasers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each applicant documented the volume of its Marathon purchases, and none requested a refund greater than the $5,000 small claims refund amount. The sum of the refunds approved in this Decision is $2,347 in principal and $200 in interest.

Marathon Petroleum Co./Ohio Fuel & Supply Co., Inc., 4/8/87; RF250–2630, RF250–2631

The DOE issued a Decision and Order concerning Applications for Refund filed by Ohio Fuel & Supply Co., Inc. (Ohio Fuel), a reseller of Marathon covered products. Although the firm's purchase of middle distillates and motor gasoline from Marathon during the consent order period exceeded the threshold refund level established in *Marathon Petroleum Co.*, Ohio Fuel elected to file its refund applications in accordance with procedures for filing claims based upon the 35 percent presumption of injury outlined in the Marathon decision. After examining the evidence and supporting data submitted by the firm, the DOE concluded that Ohio Fuel should receive a refund of $8,013.28, representing $7,488.40 in principal and $524.88 in accrued interest.

Marathon Petroleum Co./Robinson's Service Station, et al., 4/7/87; RF250–1602 et al.

The DOE issued a Decision and Order concerning Applications for Refund filed by 11 purchasers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each applicant documented the volume of its Marathon purchases, and none requested a refund greater than the $5,000 small claims refund amount. The sum of the refunds approved in this Decision is $55,000 in principal and $4,840 in interest.

Mobil Oil Corp./Almaden Service Center, et al., 4/9/87; RF225–8536 et al.

The DOE issued a Decision granting 49 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in the *Mobil* decision. *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $21,600, representing $17,799 in principal and $3,801 in interest.

Mobil Oil Corp./Chenango Valley, Central School, et al., 4/6/87; RF225–8940 et al.

The DOE issued a Decision granting 26 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers, resellers, and end-users of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in the *Mobil* decision. *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $9,385, representing $8,730 in principal and $1,655 in interest.

Momb's Trucking, et. al., 4/8/87; RF270–611 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved the purchase volumes of refined petroleum products claimed by nine trucking companies and will use those volumes as a basis for the refund that will ultimately be issued to the nine firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the nine firms' refunds will be determined at a later date.

Warren Trucking Co., Inc., et al., 4/8/87; RF270–51 et al.

The Department of Energy (DOE) issued a Decision and Order approving five Applications for Refund from the Surface Transporters Escrow, established as the result of the Stripper Well Settlement Agreement. The applicants, five "for hire" trucking companies, applied for refunds based on purchases of diesel fuel and motor gasoline between August 19, 1973 and January 27, 1981. The DOE's Decision approved four of the company's purchase volumes. However, the DOE found that one company overestimated its diesel fuel purchases. Since there was enough information in the record of the case for the DOE to arrive at a reasonably supported estimate, the DOE adjusted the company's volumes and approved it for a refund based on a smaller number of gallons. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

Dismissals

The following submissions were dismissed:

Company name	Case No.
Ameron Pipe Group	RF225–7048
	RF225–7049
	RF225–7050
Brook Ziegler Motor Company, Inc.	RF225–3249
Federico L. Bunsen	RF225–1439
Folding Carton Division	RF225–4144
Gary E. Cooper	RF225–8205
	RF225–8206
Hunters Wood Gulf Service	RF40–3685
James D. Ward	RF225–482
	RF225–483
John R. Ryle	RF225–4198
John Rawlins	RF225–5070
Joseph Clement	RF225–5307
Joseph R. & Shirley Clement	RF225–5500
M.A. Hanna Company	RF225–6300
McDowells Oil Heat, Inc.	RF225–1433
Midwest Service	RF225–8312
Nesenger Chevrolet, Inc.	RF225–134
New England Trawler Equipment Company.	RF225–1150
R.S. Auto Parts	RF225–6837
Rhode Island Public Transit Authority	RF270–759
Richard Sakamoto	RF225–4065
	RF225–4066
Shell Oil Company	HRO–0277
	HRO–0278
	HRO–0279
	HRO–0280
	HRO–0281
	HRD–0288
	KRD–0003
Shirley M. Clement	RF225–4596
Tenneco Oil Company	KEG–0001
Thomas A. Dedde	RF225–3051
Truck Lease, Inc.	RF225–4317

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 8, 1987.

[FR Doc. 87–11073 Filed 5–13–87; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[PF–481; FRL–3202–4]

Abbott Laboratories; Pesticide Tolerance Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of a pesticide petition by Abbott Laboratories proposing an exemption from the requirement of a tolerance for thuringiensin or Beta-exotoxin (2-O-(4'-O-5-L-deoxyadenosine-5'-yl-beta-O-glucopyranosyl)-4-O-phospho-O-allaric acid). The exemption from the requirement of a tolerance will be for all raw agricultural commodities.

ADDRESS:

By mail, submitt written comments to: Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all

of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Art Castillo (PM) 17, Registration Division (TS–767C), Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)–557–2690.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Abbott Laboratories, 14th & Sheridan Rd., North Chicago, IL 60064, has submitted an initial filing of a pesticide petition (PP 6F3382) proposing to amend 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for thuringiensin (Beta-exotoxin) in or on all raw agricultural commodities. The proposed analytical method is liquid gas chromatography.

Dated: May 7, 1987.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87–11123 Filed 5–13–87; 8:45 am]

BILLING CODE 6560–50–M

[FRL 3201–3]

Science Advisory Board, Environmental Engineering Committee; Open Meeting

Under Pub. L. 92–463, notice is hereby given that a subcommittee of the Environmental Engineering Committee of the Science Advisory Board will hold a two-day meeting on June 4–5, 1987 at the Environmental Protection Agency's Hazardous Waste Environmental Research Lab in Cincinnati, Ohio. The meeting will be held in Room 107 of the Andrew W. Briedenbach Research Center at 26 West St. Clair, Cincinnati, Ohio. The meeting will begin at 9:00 a.m. and last until 5:00 p.m. on June 4, and begin at 9:00 a.m. and last until 3:00 p.m. on June 5.

The purpose of the meeting is to review EPA's Land Disposal Research Program. This program is described in a "Briefing Document for Science Advisory Board Review of the Land Disposal Research Program." Copies of this document and further information on the research program are available from Mr. Bob Stenburg, HWERL, U.S. EPA, 26 West St. Clair, Cincinnati, OH 45268 (513/569–7490).

Anyone wishing to attend the meeting must contact Mr. Eric Males or Ms. Brenda Browne (202/382–2552) prior to close of business on May 29, 1987.

Dated: May 7, 1987.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 87–11034 Filed 5–13–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[General Docket No. 80–741; FCC 87–151]

World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit (Space-WARC), Second Session; Geneva, 1988

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry

SUMMARY: The Commission seeks comments on preliminary views for policy positions to be considered by the United States concerning its participation in the Second Session of the International Telecommunication Union (ITU) World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of Space Services Utilizing It (Space-WARC) to be held in Geneva in 1988. Issues to be addressed at the Second Session concern primarily the Fixed-Satellite Service (FSS) and the Broadcasting Satellite Service (BSS). Comments submitted in this proceeding will be part of the record upon which the Commission will rely in making recommendations to the Department of State for United States proposals for the Conference.

DATES: Comments must be filed on or before June 22, 1987 and reply comments on or before July 8, 1987.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Thomas S. Tycz, Common Carrier Bureau, Domestic Facilities Division, (202) 634–1860; Steven D. Selwyn (Broadcasting Issues), Mass Media Bureau, (202) 254–3394.

SUPPLEMENTARY INFORMATION: This is a summary of the the Commission's *Fifth Notice of Inquiry* in General Docket No. 80–741, FCC 87–151, adopted April 27, 1987 and released May 4, 1987.

The full text of this document is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of the Fifth Notice of Inquiry

The World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of Space Services Using It (Space-WARC) is being conducted in two sessions. The First Session of the Space-WARC was held in 1985 (WARC–ORB–85). It resulted in the adoption of the Final Acts incorporating the Region 2 Broadcasting Satellite Service (BSS) Plan into the international Radio Regulations and a Report to the Second Session that concerned planning of the Fixed-Satellite Service in certain frequency bands and several Broadcasting Satellite Service issues. The Second Session of the Conference will be held in Geneva in 1988 (WARC–ORB–88) and will attempt to conclude the work of the Space-WARC. The agenda for WARC–ORB–88 is comprised primarily of issues relating to the Fixed-Satellite Service (FSS) and the Broadcasting Satellite Service (BSS). This *Fifth Notice* seeks comments on Commission preliminary views concerning the various agenda issues.

The primary FSS issues concern planning methods for designated portions of the 6/4 GHz, 14/11–12 GHz and 30/20 GHz bands. WARC–ORB–85 adopted basic principles and methods for a dual planning approach comprised of: (1) An *a priori* allotment plan for the expansion frequency bands, and (2) improved regulatory procedures, possibly including a multilateral planning meeting (MPM) mechanism, for the currently operational frequency bands. The Conference objective of these planning methods is to guarantee in practice equitable access to the geostationary-satellite orbit and spectrum. WARC–ORB–88 is to establish the allotment plan and associated regulatory procedures and to establish improved regulatory procedures, possibly with an MPM mechanism. This *Fifth Notice* includes preliminary views on both FSS planning methods.

Several different broadcasting satellite issues will be addressed at WARC–ORB–88. One issue concerns action taken at WARC–ORB–85, whereby the BSS Region 2 Plan and Feeder Link Plan were incorporated into the international Radio Regulations, and involves possible correction of text and procedures dealing with interim systems. At WARC–ORB–88, the Regions 1 and 3 Feeder Link Plan is to be established and incorporated into the Radio Regulations. Toward that end, the U.S. is required to submit to the International Frequency Registration Board (IFRB) its feeder link requirements in connection with the Regions 1 and 3 plan by June 30, 1987. The Commission seeks comments on its proposed requirements submission within the 17.3–18.1 GHz band.

Additional broadcasting issues to be considered at WARC–ORB–88 relate to spectrum allocations for Satellite Sound Broadcasting (Sound BSS) and High Definition Television (HDTV). The Commission seeks suggestions for allocation proposals for a new Sound BSS service for portable and vehicle receivers within and also outside but near the range 0.5–2 GHz and also seeks comments on the compatibility of advanced digital technologies with existing services. Regarding HDTV, the Commission requests comments on the appropriateness of a worldwide allocation for HDTV and on the suitability of the 12 and/or 22 GHz bands for BSS accommodation of the service.

Another issue addressed by this *Fifth Notice* includes the simplification of regulatory procedures for other non–FSS satellite services. The Commission is recommending certain changes to Articles 11, 13 and 14 of the international Radio Regulations to address specific problems.

Finally, in this *Fifth Notice of Inquiry* the Commission presents its preliminary views on all additional issues comprising the agenda for the Second Session of Space-WARC. Also presented for comment are draft modifications to the International Radio Regulations that would be needed in order to implement the Commission's preliminary views on the various agenda items.

Ordering Clause

Pursuant to sections 4(i), 303 and 404 of the Communications Act of 1934, as amended, this Notice of Inquiry is hereby adopted.

List of Subjects in 47 CFR Part 1

Inquiries.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–10740 Filed 5–13–87; 8:45 am]

BILLING CODE 6712–01–M

National Security and Emergency Preparedness Advisory Committee; Meeting

Pursuant to the provisions of Pub. L. 92–463, announcement is made of a public meeting of the National Security and Emergency Preparedness Advisory Committee (NSEPAC) on May 27, 1987 from 9:30 a.m. until 4:00 p.m. The meeting will be held at AT&T, 1120 20th Street, NW., Washington, DC, 10th Floor, Conference Rooms D&E.

Purpose

—To convene the Committee and introduce its mission

—To obtain comments and recommendations on the Telecommunications Service Priority (TSP) petition for rulemaking filed with the Commission by the Executive Agent for the National Communications System.

Agenda

1. Welcome
2. Presentation on Committee Charter and Mission
3. Briefing on the TSP Petition
4. Discussion of the Petition
5. Recommendations for action
6. New Business
7. Adjournment

The public may atted the meeting or file a written statement with the Committee at any time. Anyone wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring additional information about the meeting may contact the NSEPAC Executive Secretariat, Claudette Pride, on (202) 632–3906.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–11100 Filed 5–13–87; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of Information Collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of Information Collection: Foreign Branch Report of Condition (OMB No. 3064–0011).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review for the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Robert Fishman, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429.

Comments: Comments on this collection of information should be submitted on or before May 29, 1987.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429, telephone (202) 898–3810.

SUMMARY: The FDIC is requesting OMB approval to extend, for a three-year period, the expiration of the Foreign Branch Report of Condition, Form FFIEC 030, which is submitted annually by each overseas banking office of an insured state nonmember bank. The report contains asset and liability information for foreign branches of U.S. banks. The information is used by the FDIC to monitor the level of activity and growth of the overseas banking offices and for planning the examination of these offices. The report is required by FDIC regulation 12 CFR 347.6(b). The aggregate annual reporting burden for the thirty respondent banking offices is estimated to be 90 hours.

Dated: May 8, 1987.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

[FR Doc. 87–10967 Filed 5–13–87; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL HOME LOAN BANK BOARD

Capitol Federal Savings Bank, Mount Pleasant, IA; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Capitol Federal Savings Bank, Mount Pleasant, Iowa on May 8, 1987.

Dated: May 11, 1987.

Jeff Sconyers,

Secretary.

FR Doc. 87-11036 Filed 5-13-87; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203-009735-017.

Title: Steamship Operators Intermodal Committee.

Parties:

Associated Container Transportation (Australia Ltd.)
Barber Blue Sea Line
Companhia de Navegacao Maritime Netumar
Coordinated Caribbean Transport, Inc.
Evergreen Marine Corp., Ltd.
Farrell Lines, Inc.
Flota Mercante Grancolombiana
Hamburg-Suedamerikknische-Dampfschiffahrts-Gesellschaft
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Lykes Bros. Steamship Co., Inc.
A.P. Moller-Maersk Line
Neptune Orient Lines Ltd.
Nippon Yusen Kaisha, Ltd.
Sea-Land Service, Inc.
South African Marine Corp.
United States Lines, Inc.
Venezuelan Line
Yamashita-Shinnihon Steamship Co. Ltd.
Yang Ming Line
Zim Israel Navigation Co. Ltd.
American President Lines, Ltd.
Mitsui O.S.K. Lines, Ltd.
Seapac Services, Inc.
Showa Line, Ltd.

Synopsis: The proposed amendment would admit Trans Freight Lines as a party to the agreement.

By Order of the Federal Maritime Commission.

Dated: May 11, 1987.

Joseph C. Polking,

Secretary.

FR Doc. 87-11017 Filed 5-13-87; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Acquired Immune Deficiency Syndrome; Regional Education and Training Centers (ETCs) Program

AGENCY: Health Resources and Services Administration, Public Health Service, Department of Health and Human Services.

ACTION: Notice of three ETCs technical assistance workshops.

SUMMARY: This notice announces three technical assistance workshops scheduled by the Acquired Immune Deficiency Syndrome (AIDS) regional Education and Training Centers Program staff for applicants who may have technical or program questions regarding preparation of applications for grants. These workshops are intended to provide technical assistance in relation to the Notice of Availability of Funds for the subject program which appeared in the **Federal Register** April 20, 1987, (52 FR 12979).

DATES: The workshops are scheduled as follows:

1. May 18, 1987, 1:00 p.m. to 4:00 p.m., San Francisco, California
2. May 20, 1987, 1:00 p.m. to 4:00 p.m., New Orleans, Louisiana
3. May 27, 1987, 8:30 a.m. to 11:30 a.m., Rockville, Maryland

ADDRESSES: The workshops will be held at the following locations:

1. California—United States Public Health Service Region IX, (Room 406), 50 United Nations Plaza, San Francisco, California 94102
2. New Orleans—Xavier University of Louisiana, College of Pharmacy (Auditorium), 7325 Palmetto, New Orleans 70125
3. Maryland—Parklawn Building (Conference Room G), 5600 Fishers Lane, Rockville, Maryland 20857

Applicants who plan to attend one of the technical assistance workshops should indicate the location of the workshop they will be attending and the names of the individuals in their party. This information is being requested because of security procedures in San Francisco and to provide program staff with some idea of room size requirements at all three locations. Notification should be made prior to the workshop date to: Mrs. June Horner, Chief, Education and Training Centers Program, Office of AIDS Services Program, (310) 443-6745.

Applicants should be aware that the due date for receipt of applications has been extended to July 6, 1987, because of a delay in receiving some application materials.

Dated: May 12, 1987.

David N. Sundwall,

Administrator, Assistant Surgeon General.

[FR Doc. 87-11140 Filed 5-13-87; 8:45 am]

BILLING CODE 4160-15-M

Office of Refugee Resettlement

Refugee Resettlement Program; Allocations to States of FY 1987 Funds for Social Services for Refugees and Cuban/Haitian Entrants

AGENCY: Office of Refugee Resettlement (ORR), Family Support Administration (FSA), HHS.

ACTION: Final notice.

SUMMARY: This notice establishes the allocations to States of FY 1987 funds for social services under the Refugee Resettlement Program (RRP).

EFFECTIVE DATE: May 14, 1987.

FOR FURTHER INFORMATION CONTACT: Ellen M. McGovern (202) 245-1957.

SUPPLEMENTARY INFORMATION: Notice of the proposed allocations to States of FY 1987 social service funds was published in the **Federal Register** on January 12, 1987 (52 FR 1244). As a result of the comments received, the following changes have been made: (1) Refugees resettled under the matching grant program have been included in the population base for the formula; (2) a floor of $75,00 has been established for States with small refugee populations;

and (3) adjustments have been made in the estimated refugee populations of six States as a result of evidence submitted by those States.

I. Amounts Available for Allocation

The Office of Refugee Resettlement (ORR) expects to have available $68,617,000 in FY 1987 refugee/entrant social service funds. This determination is based upon the Continuing Resolution for FY 1987 (Pub. L. 99–591) which provides for funding for social services to be at the same level as in FY 1986.

Of the total of $68,617,000, the Director of ORR will make available to States during FY 1987 approximately $58,000,000 (85%) under the allocation formulas set out in this notice. These funds will be made available for the purpose of providing social services to refugees and entrants.

All allocation figures include both refugees and Cuban/Haitian entrants since both populations may be served through funds addressed in this notice. (A State must, however, have an approved State plan for the Cuban/Haitian Entrant Program in order to use funds on behalf of entrants as well as refugees.)

Of the $58,224,410 covered by this notice, the Director will allocate funds directly to States in the following manner:

- $55,000,000, the same amount as in FY 1986, will be allocated on the basis of each State's proportion of the national population of refugees and entrants who had been in the U.S. less than 3 years as of October 1, 1986.
- $327,418 will be allocated in order to provide a floor of $75,000 for States which have small refugee/entrant populations.
- $2,896,992 will be allocated to each State on the basis of its proportion of the 3-year refugee/entrant population (including a floor amount of $5,000 to States with small refugee/entrant populations) in order to provide an incentive for States to fund refugee/entrant mutual assistance associations (MAAs). The amount being allocated to MAAs, exclusive of the floor, is $2,871,000, the same amount as in FY 1986. A written assurance that these optional funds will be used for MAAs is required in order for a State to receive the funds. Guidance to States regarding this assurance is provided below.

The use of the 3-year population base in the allocation formula is required by section 6(a)(3) the Refugee Assistance Extension Act of 1986 (Pub. L. 99–605) which amended section 412(c) of the Immigration and Nationality Act to require that the "funds available for a fiscal year for grants and contracts [for social services] . . . shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year."

The $10,392,590 in remaining social service funds is expected to be used by ORR on a discretionaly basis to provide funds for individual projects intended to contribute to the effectiveness and efficiency of the refugee resettlement program.

The discretionary funds will support specific program activities designed to improve the delivery of services to refugees. Announcements of the availability of funding and grant application procedures for some projects have been issued: Availability of Funding for Grants to States to Implement Favorable Alternate Sites Demonstration Projects, Memorandum to State Refugee Coordinators issued October 1, 1984; Availability of Funding for Planned Secondary Resettlement of Refugees, 50 FR 20038, May 13, 1985; and Availability of FY 1987 Discretionary Social Services Grants to States to Implement Community Stability Projects for Refugees, Memorandum to State Refugee Coordinators issued March 26, 1987. ORR has also advised States which have a high rate of dependence of refugees on cash assistance of a discretionary Key States Initiative to develop projects to increase employment and self-support.

Although the allocation formula is based on the 3-year refugee population, social service programs are not limited to refugees who have been in the U.S. only 3 years. States may provide services without regard to an individual refugee's or entrant's length of residence.

ORR funds may not be used to provide services to United States citizens since they are not covered under the refugee and entrant legislation (except that services may be provided to a U.S.-born minor child in a family in which both parents are refugees or entrants or, if only one parent is present, in which that parent is a refugee or entrant).

In accordance with ORR's "Statement of Program Goals, Priorities and Standards for State-Administered Refugee Resettlement Program" issued March 1, 1984, funds awarded under this notice for the basic and MAA incentive allocations are subject (as were FY 1985 and FY 1986 funds) to a requirement that at least 85% of a State's award be used for employment services, English language training, and case management services, reflecting the Congressional objective that "employable refugees should be placed in jobs as soon as possible after their arrival in the United States" and that social service funds be focused on these types of services. (Immigration and Nationality Act, section 412(a)(1)(B).) As in previous years, ORR will consider granting, under specific circumstances, a waiver of this provision. In order to receive a waiver, a State must meet either of the following two conditions:

1. The State demonstrates to the satisfaction of the Director of ORR that two of the following three circumstances exist: The cash assistance rate for time-eligible/entrants in the State is below the national average for all time-eligible refugees/entrants in the U.S.; less than 85% of the State's social allocation is sufficient to meet all employment-related needs of the State's refugees/entrants; and/or there are non-employment-related service needs which are so extreme as to justify an allowance above the basic 15%. *Or*

2. In accordance with section 412(c)(1)(B) of the Immigration and Nationality Act, as amended by the Refugee Assistance Extension Act of 1986 (Pub. L. 99–605), the State submits to the Director a plan (established by or in consultation with local governments) which the Director determines provides for the maximum appropriate provision of employment-related services for, and the maximum placement of, employable refugees consistent with performance standards established under section 106 of the Job Training Partnership Act.

States should also expect to use funds available under this notice to pay for social service which are provided to refugees/entrants who participate in alternative projects. The Continuing Resolution for FY 1985 (Pub. L. 98–473) amended the Immigration and Nationality Act to provide that:

> The Secretary [of HHS] shall develop and implement alternative projects for refugees who have been in the United States less than thirty-six months, under which refugees are provided interim support, medical services, support [social] services, and case management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among the resettlement agencies and service providers.

This provision is generally known as the Wilson/Fish Amendment. The Department has already issued a separate notice in the **Federal Register** with respect to applications for such projects (50 FR 24583, June 11, 1985). The

notice on alternative projects does not contain provisions for the allocation of additional social service funds beyond the amounts proposed for availability in this notice. Therefore a State which may wish to consider carrying out such a project should take note of this in planning its use of social service funds being allocated under the present notice.

Finally, ORR believes that the continued and/or increased utilization of refugee mutual assistance associations (MAAs) in the provision of social services promotes appropriate use of services as well as the effectiveness of the overall service system. This belief is reinforced by the interest in MAAs which has developed under similar incentive funds awarded to State's in previous years. Therefore additional funds which would be targeted specifically to these organizations have been included as an optional award to States which would use them for this purpose.

In order to receive the MAA incentive funds, the appropriate State agency official must provide written assurance to the Office of Refugee Resettlement that the following conditions will be observed by the State agency in using funds made available to the State under this special allocation:

(1) That such funds will be used to fund refugee/entrant mutual assistance associations for the direct provision of services to refugee and entrant clients.

(2) That the MAA incentive allocations is subject to and included under ORR's requirement that 85% of the total amount of social service funds allocated by this notice to a State be used for priority services, as defined elsewhere in this notice.

(3) That the State agency will observe the following definition of a mutual assistance association:

(a) The organization must be legally incorporated as a nonprofit organization; *and*

(b) Not less than 51% of the composition of the Board of Directors or governing board of the mutual assistance association will be comprised of refugees/entrants or former refugees/entrants.

(4) That the State agency will assist MAAs in seeking other public and/or private funds for the provision of services for refugee and entrant clients in subsequent years.

Written assurances should be sent to the Director, Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street, SW., Washington, DC 20201, with a duplicate copy to the appropriate ORR Regional Director. States must respond by 30 days from the date of publication of this notice in order to avail themselves of this special allocation.

II. Discussion of Comments Received

Eight comments were received in response to the notice of the proposed allocation to States of FY 1987 funds for social services for refugees and Cuban/Haitian entrants. The comments are summarized below and are followed in each case by the Department's response.

Comment: One commenter objected to the use of a formula based on the population of refugees who have been in the U.S. less than 3 years and suggested that "time-expired" refugees be counted for purposes of the formula.

Response: As indicated in the notice, the formula required by statute mandates that the population be limited to refugees who have been in the United States for no more than 36 months.

Comment: Two commenters asserted that the Continuing Resolution for FY 1987 makes available for social services $71,700,000 rather than the $68,617,000 stated in the notice. The commenters said that the FY 1986 reduction of 4.3% under Pub. L. 99–177, the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings) should not have been applied by ORR in determining the amount available for FY 1987.

Response: The Department does not agree with the commenters' reading of the FY 1987 Continuing Resolution; $68,617,000 is the amount which has been made available to ORR.

Comment: Two commenters, while recognizing that the formula is required, expressed concern about the effects of applying it: One commenter expressed the hope that ORR would have special projects that could provide additional funding to help address the needs of "time-expired" refugees who have been in the U.S. more than 3 years. This commenter also felt that use of the 3-year population-based formula for the mutual assistance association (MAA) incentive allocation could hamper the support for MAA activities in States with relatively small time-eligible refugee populations. A second commenter, from a State with a small refugee population, stated that the formula did not provide sufficient funds to meet basic service needs of refugees.

Response: While ORR has been using a 3-year formula for the allocation of social service funds during recent years, prior to the inclusion of the formula in the authorizing legislation, we have recognized its limitations in addressing special needs which may exist for particular refugee populations. Discretionary projects for which States are eligible to apply have provided a means for helping to meet such needs. ORR has developed two FY 1987 initiatives to help address these needs: For States which have been identified as having relatively high rates of refugee dependence on cash assistance, ORR is undertaking a Key States Initiative (KSI) to develop cooperatively with these States special efforts to increase self-support and reduce the need for assistance. For other States, ORR has issued to States an announcement of an FY 1987 discretionary grant program, termed Community Stability Projects (CSP).

Comment: Three comments were received on the proposal for floor amounts for States with very small refugee populations: Two commenters, from States affected by the floor, said that the floor proposed for FY 1987 was insufficient to meet their needs; that the proposal for the floor was made to late to enable them to plan for a reduction; and, in one case, that contracts had already been entered into in anticipation of a continuation of the $75,000 floor that was in effect in FY 1986. The third commenter, from a State with a large refugee population, asserted that there should be no floor and that the funds proposed for the floor should, instead, be allocated among all the States based on the 3-year formula.

Response: We disagree with the view that there should be no floor since certain basic costs must occur in order for a State to provide services to even a small number of refugees. We view the floor as a discretionary add-on of a modest amount of funds to an otherwise impractically small figure which the formula alone would yield for the seven States with very small refugee populations.

After consideration of the two comments from States affected by the floor, we have concluded that their arguments in favor of a continuation of the same floor provisions as in FY 1986 and earlier years have merit. Accordingly, in this final notice, we have adopted a $75,000 floor for the seven States with very small populations. The cost of the floor is $327,418, approximately one-half of one percent of the funds available for social services.

Comment: Three commenters objected to the $10.5 million proposed to be used for discretionary purposes. One of these commenters suggested that the amount should be $5 million. Another commenter stated that either there should be no set-aside of funds for discretionary purposes or, if there were, the funds would have to be distributed according to the 3-year formula under

law. The third commenter also expressed the view that any discretionary funds would be required to be distributed according to the statutory formula.

Response: Neither the Refugee Assistance Extension Act of 1986 (Pub. L. 99–605) nor its legislative history prohibits the use of social service funds for discretionary purposes or requires that all of the funds must be distributed under the formula. In fact, the Senate report (S. Rept. No. 99–154, p. 6) included a recommendation that "a small portion of social service funds be reserved for certain groups of time-ineligible refugees who experience particular difficulty in achieving employment and self-sufficiency—such as the Hmong in California." This would be one example of needs which could be addressed through ORR's Key States Initiative, cited previously.

After careful consideration of these commenters' proposal that a smaller amount of funds, or no funds, be used for discretionary purposes, ORR has concluded that the importance of the Key States Initiative to reduce welfare dependence, the Community Stability Projects, and other potential discretionary projects to improve the effectiveness and efficiency of the refugee resettlement program fully merit the use of funds for these purposes to address particular needs in a more flexibile and productive manner than could be achieved by simply adding these funds to the formula allocation.

Comment: One commenter asserted that, under the law, ORR does not have the authority to exclude from the population figures used in the formula the refugees who are aided under the matching grant program. This commenter noted that the matching grants assure the provision of services for a maximum of only four months, after which the refugees may need to rely on services funded through the allocations to States.

Response: After review of this question, the Department agrees that the statutory language requires the inclusion of the matching grant refugees in the 3-year population base.

III. Proposed Allocation Formula

Of the funds available for FY 1987 for social services, $55,000,000 will be allocated to States in accordance with the formula specified below. A State's allowable allocation will be calculated as follows:

1. The total amount of funds determined by the Director to be available for this purpose; divided by—

2. The total number of refugees and entrants who arrived in the United States not more than 3 years prior to the beginning of the fiscal year for which the funds are appropriated, as shown by the ORR Refugee Data System. The resulting per capita amount will be multiplied by—

3. The number of refugees and entrants in item 2, above, in the State as of October 1, 1986, adusted for estimated secondary migration.

The calculation above will yield the formula allocation for each State.

MAA incentive award supplements are allocated on the same 3-year population basis as that used in the social service formula. These funds will be made available contingent upon letters of assurance from States, as described previously.

IV. Basis of Refugee and Entrant Population Estimates

The population estimates for the allocation of funds in FY 1987 are based on data on refugee arrivals from the ORR Refugee Data System, adjusted as of October 1, 1986, for estimated secondary migration. The data base includes refugees of all nationalities as well as Cuban and Haitian entrants resettled after September 30, 1983. Figures on the numbers of entrants resettled are maintained by the ORR Florida office.

For fiscal year 1987, ORR's formula allocations to the States for social services for refugees are based on the numbers of refugees who arrived, and on the numbers of entrants who arrived or were resettled, during the preceding three fiscal years: 1984, 1985, and 1986. Therefore estimates have been developed of the numbers of refugees and entrants with arrival or resettlement dates between October 1, 1983, and September 30, 1986, who are thought to be living in each State as of October 1, 1986. The population estimates for the FY 1987 allocations cover refugees of all nationalities and Cuban/Haitian entrants.

All participating States submitted data on their secondary in-migration on Form ORR–11 for use in adjusting these population estimates. The total reported migration was summed, yielding a net migration figure for each State. This figure, the minimum documented migration affecting each State, was applied to the State's total arrival figure, resulting in a revised population estimate. Six States submitted evidence that their refugee populations were larger than the figure published by ORR on January 12, 1987. There States were given credit for the additional refugees which they documented, and where the original destinations of those refugees were established, their numbers were subtracted from other States' estimates accordingly. The resulting estimate was converted into a percentage of the total 3–year refugee population. The percentage distribution was compared with the percentage distribution generated from the refugee child count done by the U.S. Department of Education in May 1986. Where a significant discrepancy between the two percentage distributions existed which could not be explained except by secondary migration, a further adjustment was made to the State's estimated population. The population estimates of 15 States were adjusted in this manner. Finally, each State's population was deflated by approximately 0.84% to constrain the sum of the State figures to the known national total. Due to the adjustments made for population appeals and the inclusion of matching grant refugees, the population estimates for most States are changed slightly from the notice of January 12, 1987.

Estimates were developed separately for refugees and entrants and then combined into a total estimated 3-year refugee/entrant population for each State.

Table 1, below, shows the estimated 3-year populations, as of October 1, 1986, of all refugees and entrants (col. 1); the formula amounts which the population estimates yield (col. 2); the total allocation amounts after allowing for the minimum amounts (col. 3); and the amounts available as an incentive to States to use MAAs as service providers (col. 4).

V. Allocation Amounts

The following amounts are allocated for refugee social services in FY 1987:

TABLE 1.— ESTIMATED 3-YEAR REFUGEE/ENTRANT POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND SOCIAL SERVICE FORMULA AMOUNTS AND ALLOCATIONS FOR FY 1987.

State	Total population (1)	Formula amount (2)	Allocation (3)	MAA incentive allocation (4)
Alabama	997	$272,308	$272,308	$14,215
Arizona	2,625	716,960	716,960	37,425
Arkansas	536	146,396	146,396	7,642
California	68,704	18,764,966	18,764,966	979,532
Colorado	2,373	648,132	648,132	33,833
Connecticut	2,304	629,286	629,286	32,849
Delaware	62	16,934	75,000	5,000
District of Columbia	506	138,203	138,203	7,214
Florida	4,326	1,181,550	1,181,550	61,677
Georgia	3,311	904,326	904,326	47,206
Guam	50	13,656	75,000	5,000
Hawaii	853	232,978	232,978	12,161
Idaho	965	263,568	263,568	13,758
Illinois	8,387	2,290,722	2,290,722	119,576
Indiana	767	209,489	209,489	10,935
Iowa	2,018	551,172	551,172	28,771
Kansas	2,480	677,357	677,357	35,358
Kentucky	759	207,304	207,304	10,821
Louisiana	2,544	694,837	694,837	36,270
Maine	872	238,167	238,167	12,432
Maryland	3,573	975,612	975,612	50,927
Massachusetts	8,908	2,433,022	2,433,022	127,004
Michigan	3,062	836,317	836,317	43,656
Minnesota	5,544	1,514,220	1,514,220	79,042
Mississippi	350	95,595	95,595	5,000
Missouri	2,178	594,872	594,872	31,052
Montana	86	23,489	75,000	5,000
Nebraska	482	131,648	131,648	6,872
Nevada	831	226,969	226,969	11,848
New Hampshire	262	71,559	75,000	5,000
New Jersey	2,800	764,758	764,758	39,920
New Mexico	427	116,626	116,626	6,088
New York	14,303	3,903,545	3,906,545	203,922
North Carolina	1,688	461,040	461,040	24,066
North Dakota	421	114,987	114,987	6,002
Ohio	2,763	754,652	754,652	39,393
Oklahoma	2,082	568,652	568,652	29,684
Oregon	2,683	732,802	732,802	38,252
Pennsylvania	5,942	1,622,925	1,622,925	84,717
Rhode Island	1,895	517,577	517,577	27,018
South Carolina	271	74,018	75,000	5,000
South Dakota	336	91,771	91,771	5,000
Tennessee	2,141	584,766	584,766	30,525
Texas	13,933	3,805,488	3,805,488	198,647
Utah	2,022	552,264	552,264	28,828
Vermont	178	48,617	75,000	5,000
Virginia	6,048	1,651,876	1,651,876	86,228
Washington	8,427	2,301,647	2,301,647	120,146
West Virginia	68	18,573	75,000	5,000
Wisconsin	2,208	603,066	603,066	31,480
Wyoming	21	5,736	75,000	5,000
Total	201,371	$55,000,000	$55,327,418	$2,896,992

VI. Paperwork Reduction Act

This notice does not create any reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federasl Domestic Assistance No. 13.814 Refugee Assistance State Administered Programs)

Dated: May 1, 1987.

Bill Gee,

Director, Office of Refugee Resettlement.

[FR Doc. 87-10998 Filed 5-13-87; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-020-4212-13; A-22539]

Realty Action; Federal Land Exchange; Maricopa and Mohave Counties, AZ

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action—exchange of public lands in Maricopa County for private lands in Mohave County, Arizona.

The following described public lands have been determined to be suitable for exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Gila and Salt River Meridian. Maricopa County, Arizona

T. 1 S., R. 2 W.,
Secs. 12, 13, 24, 25, 31, 32, 36.

Comprising 2,008.74 acres more or less of public land.

In exchange for the above described public lands, the federal government will acquire private lands described below from American Continental Corporation, Inc., a California Corporation.

Gila and Salt River Meridian, Mohave County, Arizona

T. 30 N., R. 15 W.,
Secs. 19, 29, 31.
T. 30 N., R. 16 W.,
Secs. 9, 11, 15, 17, 19, 21, 27, 33, 35.
T. 29 N., R. 15 W.,
Secs. 5, 7, 9, 19.
T. 29 N., R. 16 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 35.
T. 28 N., R. 16 W.,
Secs. 3, 9.
T. 25 N., R. 22 W.,
Secs. 3, 11, 15, 23.
T. 25 N., R. 21 W.,
Secs. 1, 3, 11, 13, 19, 23.
T. 26 N., R. 21 W.,
Sec. 21.
T. 26 N., R. 20 W.,
Sec. 20.
T. 29 N., R. 17 W.,
Sec. 35.
T. 28 N., R. 17 W.,
Secs. 1, 11, 13, 15.
T. 22 N., R. 13 W.,
Secs. 1, 2, 3, 5, 7, 9, 11, 13, 15, 17.
T. 23 N., R. 13 W.,
Secs. 19, 21, 29, 31, 33.
T. 23 N., R. 14 W.,
Secs. 3, 5, 7, 9, 11, 15, 16, 17.
T. 23 N., R. 15 W.,
Secs. 1, 11, 13, 14.
T. 24 N., R. 14 W.,
Secs. 31, 32.

Total acreage of the offered private lands is 39,815.01 acres. The final number of acres to be exchanged will be determined by appraisal of the selected public lands and offered private lands.

A detailed list of legal descriptions for the offered and selected lands listed in this Notice as well as an Environmental Assessment of the proposed exchange is available at the Phoenix District Office.

The exchange proposal involves the exchange proponent's interest in the surface estate of the private lands. The mineral estate of the offered lands is owned by the Atchison, Topeka and Santa Fe Railroad Companies. The surface and mineral estates of the selected public lands will be exchanged except for the mineral estate on section 36 which is owned by the State of Arizona. The exchange is consistent with the Land Tenure Adjustment sections of the Lower Gila South Resource Management Plan.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. A right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. Right-of-way A-7274 to Tucson Electric Power Company for electric transmission line and access road.

3. Right-of-way A–7872 to Tucson Electric Power Company for electric transmission line and access road.

4. Right-of-way A–10350 to Salt River Project for electric transmission line and access road.

5. Right-of-way A–22554 to Sam Cambron for access road.

This Notice of Realty Action for A–22539 replaces the applicable segregative effect provided by Notice of Realty Action for A–21963 published May 29, 1986.

The segregation of the described lands shall terminate upon issuance of a document conveying title to such lands or upon publication in the **Federal Register** of a notice of termination of the segregation, or the expiration of two years from date of publication, whichever occurs first.

For a period of forty-five (45) days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be reviewed by the State Director, who may modify, vacate, or sustain this realty action.

Dated: May 6, 1987.

Henri R. Bisson,

District Manager.

[FR Doc. 87–10973 Filed 5–13–87; 8:45 am]

BILLING CODE 4310–32–M

[CA–010–07–4212–11; CA 19925]

Realty Action; Lease/Conveyance of Public Lands in Nevada County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Initiation of a 45 day public comment period on the proposed classification of public land within Empire Mine State Park for recreation and public purposes.

SUMMARY: Pursuant to the authority in the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et. seq.), a 45 day public comment period is initiated on the following land proposed to be classified as suitable for lease or conveyance to the State of California for park purposes:

Mt. Diablo Meridian

T. 15N., R. 8E.
Sec. 1, Lot 38.
T. 16N., R. 8E.
Sec. 34, Lot 31;
Sec. 35, Lots 27, 28, and 30.

Containing 0.44 acre more or less.

SUPPLEMENTARY INFORMATION: The public lands are located within Empire Mine State Park. The lands are not needed for Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

The lease/patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes and leasing under the mineral leasing laws.

DATES: For a period of 45 days from the date of publication of this notice, interested parties may submit comments.

ADDRESS: Written comments should be sent to: Folsom Resource Area Manager, Bureau of Land Management, 63 Natoma, Folsom, California 95630. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Charles J. Kihm, District Realty Specialist, Bureau of Land Management, Bakersfield District, 800 Truxtun Avenue, Room 311, Bakersfield, California 93301; (805) 861–4191.

Dated: May 4, 1987.

D.K. Swickard,

Folsom Resource Area Manager.

[FR Doc. 87–10974 Filed 5–13–87; 8:45 am]

BILLING CODE 4510–40–M

[CA–940–07–4520–12; Group 845]

Plat of Survey; Lassen County, CA

May 5, 1987.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Lassen County

T. 34 N., R. 10 E.

2. This plat (two sheets) representing the dependent resurvey of a portion of the south, east, and north boundaries, and a portion of the subdivisional lines, and the survey of the subdivision of certain sections, Township 34 North, Range 10 East, Mount Diablo Meridian, California, under Group No. 845, California, was accepted April 7, 1987.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Lassen National Forest, Forest Service.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 87–10976 Filed 5–13–87; 8:45 am]

BILLING CODE 4310–40–M

[CA–940–07–4520–12; Group 915]

Plat of Survey; Mono County, CA

May 5, 1987.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Mono County

T. 3 S., R. 29 E.

2. This plat representing the corrective dependent resurvey of a portion of the subdivisional lines, and a portion of the subdivision of section 17, Township 3 South, Range 29 East, Mount Diablo Meridian, California, under Group No. 915, California, was accepted April 21, 1987.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 87–10975 Filed 5–13–87; 8:45 am]

BILLING CODE 4310–40–M

[CA-940-07-4520-12; C-6-87]

Plat of Survey Filing; Riverside County, CA

May 5, 1987.

1. This supplemental plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

San Bernardino Meridian, Riverside County

T. 3 S., R. 6 E.

2. This supplemental plat of Section 24, Township 3 South, Range 6 East, San Bernardino Meridian, California, was accepted April 17, 1987.

3. This supplemental plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This supplemental plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 87-10978 Filed 5-13-87; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-07-4520-12; Group 812]

Plat of Survey; Siskiyou County, CA

May 5, 1987.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Siskiyou County

T. 40 N., R. 3 W.

2. This plat (two sheets) representing the corrective dependent resurvey of the line between sections 8 and 9, Township 40 North, Range 3 West, Mount Diablo Meridian, California, under Group No. 812, California, was accepted April 21, 1987.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Shasta Trinity National Forest.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Public Information Section.

[FR Doc. 87-10977 Filed 5-13-87; 8:45 am]

BILLING CODE 4310-40-M

[CO-942-07-4520-12]

Plats of Survey Filing; Colorado

May 4, 1987.

The plats of survey of the following described lands, will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10:00 A.M., May 4, 1987.

The plat, representing the dependent resurvey of a portion of the west boundary and subdivisional lines; and the survey of the subdivision of certain sections, T. 35 N., R. 15 W., New Mexico Principal Meridian, Colorado, Group No. 717, was accepted April 21, 1987.

The plat, representing the dependent resurvey of a portion of the south and east boundaries, and subdivisional lines; and the survey of the subdivision of certain sections, T. 36 N., R. 16 W., New Mexico Principal Meridian, Colorado, Group No. 717, was accepted April 21, 1987.

The plat, representing the dependent resurvey of a portion of the Ninth Standard Parallel North, (south boundary), T. 37 N., R. 15 W., portions of the south boundary and subdivisional lines, and the subdivision of certain sections, T. 36 N., R. 15 W., New Mexico Principal Meridian, Colorado, Group No. 717, was accepted April 21, 1987.

The plat, in two sheets, representing the dependent resurvey of the west boundary, portions of the north boundary and subdivisional lines; and the survey of the subdivision of certain sections, T. 37 N., R. 15 W., New Mexico Principal Meridian, Colorado, Group No. 717, was accepted April 21, 1987.

The plat, representing the dependent resurvey of portions of the Ninth Standard Parallel North (south boundary), Second Guide Meridian West (west boundary), and subdivisional lines; and the survey of the subdivision of certains sections, and a metes-and-bounds survey in sections 25 and 35, T. 37 N., R. 16 W., New Mexico Principal Meridian, Colorado, Group No. 717, was accepted April 21, 1987.

The plat, representing the dependent resurvey of a portion of the west boundary of the Ute Ceded Lands, portions of the subdivisional lines, and certain tracts; the survey of the subdivision of certain sections, and a metes-and-bounds survey of lot 5, section 12, T. 37 N., R. 17 W., New Mexico Principal Meridian, Colorado, Group No. 717, was accepted April 21, 1987.

The plat, representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of sections 21 and 28, and the survey of the subdivision of sections 21, 28, and 32, T. 38 N., R. 15 W., New Mexico Principal Meridian, Colorado, Group No. 717, was accepted April 21, 1987.

The plat, representing the dependent resurvey of a portion of the Second Guide Meridian West (west boundary), east and north boundaries, and subdivisional lines; and the survey of the subdivision of sections 19 and 28, T. 39 N., R. 16 W., New Mexico Principal Meridian, Colorado, Group No. 717, was accepted April 21, 1987.

The plat, representing the dependent resurvey of a portion of the west boundary of the Uted Ceded Lands, a portion of the Sectional Guide Meridian, a portion of the subdivisional lines and Tract 38; and a survey of the east 40 acres of the south 120 acres of Tract 38, designated as Parcel A, T. 39 N., R. 17 W., New Mexico Principal Meridian, Colorado, Group No. 717, was accepted April 21, 1987.

These surveys were executed to meet certain administrative needs of the Bureau of Reclamation.

All inquiries about these lands should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215.

Duane E. Olsen,

Acting Chief, Branch of Cadastral Survey.

[FR Doc. 87-10979 Filed 5-13-87; 8:45 am]

BILLING CODE 4310-JB-M

[CA-940-07-4220-10; CA 19966]

California; Filing of Withdrawal Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of withdrawal application.

SUMMARY: On February 20, 1987, the Regional Forester, Pacific Southwest Region, Forest Service, U.S. Department of Agriculture, filed an application under the provisions of sec. 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714) to withdraw the

following described national forest land from appropriation under the general mining laws (30 U.S.C., Ch. 2), subject to valid existing rights:

Mount Diablo Meridian, California

Siskiyou County; Shasta-Trinity National Forests

T. 37 N. R. 4 W.,
Sec. 17, S½SE¼SE¼NW¼SW¼, N½NE¼NE¼SW¼SW¼, S½N½NE¼SW¼SW¼, S½N½SW¼SW¼, and N½S½SW¼SW¼.

Containing 25 acres.

FOR FURTHER INFORMATION CONTACT: Viola A. Andrade, California State Office, (916) 978–4815.

The purpose of the withdrawal application is for a developed recreation site—the Sims Campground—located within the Mt. Shasta Ranger District. The said lands will continue to be managed as a developed recreation site during the segregation period.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections concerning the proposed withdrawal may present their views, in writing, to the undersigned officer, Bureau of Land Management, Room E–2841, 2800 Cottage Way, Sacramento, California 95825.

Notice is hereby given that all persons who desire that a public meeting be held must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. If the State Director, Bureau of Land Management, determines that a public meeting will be held, a notice of the time and place will be published in the Federal Register at least 30 days prior to the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in Part 2300 of Title 43, Code of Federal Regulations.

The publication of this notice in the **Federal Register** shall segregate the lands described in the application to the extent that they shall not be subject to appropriation under the general mining laws (30 U.S.C., Ch. 2) for a period of 2 years from the date of publication in the **Federal Register**, unless the application is allowed or denied or cancelled, in whole or in part, prior to the expiration of the 2-year period. The 2-year segregative period does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

Inquiries concerning the land should be addressed to the Forest Supervisor, Shasta-Trinity National Forests, 2400 Washington Avenue, Redding, California 96001.

Dated: May 7, 1987.

Sharon N. Janis,

Chief, Branch of Adjudication and Records.

[FR Doc. 87–10980 Filed 5–13–87; 8:45 am]

BILLING CODE 4310-40-M

[NV-943-07-4220-11; Nev-043493]

Proposed Modification and Continuation of Withdrawal, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) proposes that 10 acres of withdrawn land for the Elko air navigation site be modified to establish a 20-year term. The land will remain closed to surface entry and mining. The BLM proposes to open the land to application under the mineral leasing laws.

DATE: Comments should be received by August 12, 1987.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, NV 89520, (702) 784–5481.

SUPPLEMENTARY INFORMATION: The FAA proposes that the existing land withdrawal made by Public Land Order No. 1905 of July 15, 1959, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Mount Diablo Meridian, Nevada

T. 33 N., R. 55 E.,
Sec. 10, NE¼NW¼SE¼.

The area described contains 10 acres in Elko County.

The purpose of the withdrawal is to provide the minimum essential acreage required to protect the construction, operation, and maintenance of this site from electronic or physical interference for flight safety purposes. The withdrawal segregates the land from operation of the public land laws, including the mining laws and the mineral leasing laws. No change is proposed in the purpose of the withdrawal; however, it is proposed to change the segregative effect of the withdrawal to allow for applications under the mineral leasing laws. Mineral leasing will be allowed only with FAA's concurrence.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations in the Nevada State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: May 6, 1987.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 87–10982 Filed 5–13–87; 8:45 am]

BILLING CODE 4310-HC-M

[NV-943-07-4220-11; Nev-051782]

Proposed Modification and Continuation of Withdrawal; NE

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) proposes that the two withdrawals aggregating 160 acres for the Wells Vortac air navigation site be modified to establish a 20-year term. The land will remain closed to surface entry and mining, but has been and will remain open to mineral leasing.

DATE: Comments should be received by August 12, 1987.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, NV 89520, (702) 784–5481.

SUPPLEMENTARY INFORMATION: The FAA proposes that the existing withdrawals made by Secretarial Order of March 7, 1947, and Public Land Order 3449 of September 23, 1964, be modified to establish a 20-year term. This action is taken pursuant to section 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751; 43 U.S.C. 1714). The lands are described as follows:

Mount Diablo Meridian, Nevada

T. 38 N., R. 62 E.,
Sec. 28, SW¼.

The area described aggregates 160 acres in Elko County.

The purpose of the withdrawals is to provide the minimum essential acreage required to protect the construction, operation, and maintenance of this site from electronic or physical interference for flight safety purposes. The withdrawals segregate the land from operation of the public land laws, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or the segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, Nevada 89520.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: May 6, 1987.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 87-10981 Filed 5-13-87; 8:45 am]

BILLING CODE 4310-HC-M

[NV-943-07-4220-11; Nev-054574, Nev-059756, Nev-064861]

Proposed Continuation of Withdrawals; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service proposes that 51.4 acres of withdrawn land for three administrative sites be continued for an additional 25 years. The land will remain closed to surface entry and mining but has been and will remain open to mineral leasing.

DATE: Comments should be received by August 12, 1987.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, NV 89520.

SUPPLEMENTARY INFORMATION: The Forest Service proposes that three existing land withdrawals made by Executive Order 2506 of January 3, 1917, Public Land Order 3144 of July 30, 1963, and Public Land Order 3844 of October 5, 1965, be continued for a period of 25 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Mount Diablo Meridian, Nevada

T. 13 N., R. 40 E.,
  Sec. 15, SE¼NW¼.
T. 11 N., R 43 E.,
  Sec. 30, that part of the NE¼NE¼ lying east of the Nevada State Highway right-of-way, Star Route 8-A, as it existed on July 30, 1963.
T. 2 N., R. 42 E.,
  Sec. 2, a tract within the NE¼ described by metes and bounds as follows: Commencing at Corner No. 4 of Mining Patent Tonopah No. 4, Survey No. 2080, thence N. 30°50'E. along the east boundary of said mining patent, 312.41 feet to the true point of beginning; thence N. 35°50' E., 406.89 feet to corner No. 3 of said mining patent; thence N. 28°22' E. along the east boundary of said mining patent, 195.5 feet; thence S. 67°52' E., 299.2 feet to a point on the west boundary of Mining Patent California Lode, Survey No. 4729; thence S. 5°32' W. along the west boundary, 422.3 feet to corner No. 4 of the said mining patent; thence S. 5°32' W., 82.8 feet; thence N. 78°32' W., 571.0 feet to the point of beginning.

The area described aggregates 51.4 acres in Nye County.

The purpose of the withdrawals is to protect the construction, operation, and maintenance of three administrative sites. Two of the withdrawals segregate the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. The site located in T. 13 N., R. 40 E., is segregated only from the location of nonmetalliferous mining. No change is proposed in the purpose or segregative effects of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawals continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations in the Nevada State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued and, if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Registger.** The existing withdrawals will continue until such final determination is made.

Dated: May 7, 1987.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 87-11052 Filed 5-13-87; 8:45 am]

BILLING CODE 4310-HC-M

[AZ-050-06-4830-02]

Arizona; Yuma District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Yuma (Arizona) District Advisory Council Meeting.

SUMMARY: A meeting of the Yuma District Advisory Council will be held on Friday, June 12, beginning at 10 a.m. in the Lake Havasu City Council Chambers located at 1795 Civic Center Boulevard.

DATE: Friday, June 12, 1987.

FOR FURTHER INFORMATION CONTACT: Douglas B. Stockdale, Yuma District Office, 3150 Winsor Avenue, Yuma, Arizona 85365, 602-726-6300.

SUPPLEMENTARY INFORMATION: Discussions will center on District program updates, the wilderness review process, and other Council initiated topics. The public is invited to attend the meeting.

Written statements from the public may be filed for the Council's consideration. Statements must arrive at the District Office by June 8. Oral statements will also be accepted but, depending on the number of persons wishing to address the Council, a per-person time limit may be imposed.

Summary of minutes of the District Advisory Council meeting will be maintained in the Yuma District Office and will be available for inspection and reproduction during regular business hours (7:45 a.m. through 4:30 p.m.) within 30 days of the meeting.

Dated: May 8, 1987.

Robert V. Abbey,

Acting District Manager.

[FR Doc. 87-11001 Filed 5-13-87; 8:45 am]

BILLING CODE 4310-32-M

[OR120-6310-02: GP7-190]

Coos Bay District Advisory Council Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of Coos Bay District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR, Part 1780 that a meeting of the Coos Bay District Advisory Council will be held on Friday, June 12, 1987, beginning at 9:00 a.m. The meeting will be held in the conference room of the Coos Bay District Office, 333 South Fourth Street, Coos Bay, OR.

AGENDA: The agenda for the meeting will include:

1. Updates on old business including the "Issues" portion of the planning process for the 1990s.
2. Discussion of the BLM Oregon/Washington Organizational Study.
3. Arrangements for the next meeting.

The meeting is open to the public and news media. Interested persons may make oral statements to the council from 10:00 a.m. to 10:30 a.m. on Friday, June 12, or file written statements for the council's consideration. Anyone wishing to make an oral statement must notify the District Manager by close of business on Monday, June 8, 1987 (Telephone 503–269–5880).

ADDRESS: Bureau of Land Management, Coos Bay District Office, 333 South Fourth Street, Coos Bay, OR 97420.

Minutes of the meeting will be maintained at the District Office and made available during regular business hours (7:45 a.m. to 4:30 p.m.) for public inspection or reproduction at the cost of duplication.

Dated: May 4, 1987.

Herbert H. Bosselman,

Acting District Manager.

[FR Doc. 87–10971 Filed 5–13–87; 8:45 am]

BILLING CODE 4310-33-M

[NV-060-07-4321-12]

Helicopters and Motorized Vehicle To Gather Wild Horses; Hearing; Battle Mountain District, NE

AGENCY: Bureau of Land Management, Interior.

ACTION: Battle Mountain District: Public hearing to discuss the use of helicopters and motorized vehicles to remove excess wild horses in FY 87 and subsequent years.

SUMMARY: In accordance with Public Laws 92–195 and 94–579, this notice sets forth the public hearing date to discuss the use of helicopters and motorized vehicles to remove excess wild horses from the Battle Mountain District during FY 87 and subsequent years.

DATE: June 19, 1987–1:00 p.m.

ADDRESS: The hearing will take place in the Shoshone-Eureka Conference room, Battle Mountain District Office, North Second and Scott Streets, Battle Mountain, Nevada 89820. Telephone (702) 635–5181.

SUPPLEMENTARY INFORMATION: The use of helicopters and motorized vehicles to remove horses from the Callahan, Roberts Mountain, Fish Creek and Seven Mile Wild Horse Herd Management Areas during FY 87 and subsequent years will be discussed.

This hearing is open to the public. Interested persons may make oral or written statements. If you wish to make oral comments, please contact Terry L. Plummer by June 12, 1987. Written statements must be received by this date also.

FOR FURTHER INFORMATION CONTACT: Terry L. Plummer, District Manager, P.O. Box 1420, Battle Mountain, Nevada 89820 or phone (702) 635–5181.

Dated: May 5, 1987.

Michael C. Mitchel,

Acting District Manager, Battle Mountain, Nevada.

[FR Doc. 87–10972 Filed 5–13–87; 8:45 am]

BILLING CODE 4310-HC-M

Geological Survey

IBM Corp.; Alpha Particle Emitter Concentration Determinations

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that a collaborative effort between the U.S. Geological Survey and the IBM Corporation has been granted to determine very low concentrations of alpha particle emitters in various materials resulting in improvement of our capability to determine extremely small amounts of uranium and thorium in many types of extraterrestrial materials.

DATES: This action is effective as of February 9, 1987, for a duration of 12 months.

ADDRESSES: Copies of the Memorandum of Agreement are available for inspection upon request at the following location: U.S. Geological Survey, Branch of Isotope Geology, Box 25046, MS 963, Denver Federal Center, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Dr. John N. Rosholt, Jr. or Dr. Mitsunobu Tatsumoto of the U.S. Geological Survey, Branch of Isotope Geology at the address given above; telephone 303/236–7880, (FTS) 776–7880.

Benjamin A. Morgan,

Acting Chief Geologist.

[FR Doc. 87–10969 Filed 5–13–87; 8:45 am]

BILLING CODE 4310-30-M

Minerals Management Service

Development Operations Coordination Document; ODECO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notioe of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ODECO Oil & Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 073, Block l9, South Pelto Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Cocodrie and Houma, Louisiana.

DATE: The subject DOCD was deemed submitted on May 6, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and

procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: May 8, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-11002 Filed 5-13-87; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Taylor Energy Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Taylor Energy Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 3086, Block 619, Matagorda Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Port O'Connor, Texas.

DATE: The subject DOCD was deemed submitted on May 4, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information oontained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: May 4, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-10983 Filed 5-13-87; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Union Exploration Partners, Ltd.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Union Exploration Partners, Ltd. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0787, Block 49, South Marsh Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on May 5, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: May 8, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-11003 Filed 5-13-87; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

International Agreement for Installation of Data Collection Platforms on Mexican Tributaries to the Rio Grande; Finding of No Significant Impact

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Based on an environmental assessment, the U.S. Section finds that the proposed action to enter into an international agreement to provide additional weather data communications stations in Mexico to obtain rainfall and river stage data for the Rio Grande is not a major Federal action that would have a significant adverse affect on the quality of the human environment. Therefore, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Final Regulations (40 CFR Parts 1500-1508); and the U.S. Section's Operational Procedures for Implementing section 102 of the National Environmental Policy Act (NEPA), published in the **Federal Register** September 2, 1981 (46 FR 44083); the U.S. Section hereby gives notice that an environmental impact statement is not being prepared for the Government of the United States to enter into an agreement with the Government of Mexico through the International Boundary and Water Commission, to provide for installation and arrangements for maintenance of Data Collection Platforms (DCPs) at six sites on Mexican tributaries to the Rio Grande and at one site on the Rio Grande.

FOR FURTHER INFORMATION CONTACT: Mr. M. R. Ybarra, U.S. Section Secretary; International Boundary and Water Commission, United States and Mexico, United States Section; The Commons, C-310; 4171 North Mesa; El Paso, Texas 79902. Telephone: (915) 534-6698, FTS 570-6698.

SUPPLEMENTARY INFORMATION:

Proposed Action

It is proposed that the Government of the United States enter into an agreement with the Government of Mexico, through the International Boundary and Water Commission (Commission), to provide for installation and arrangements for maintenance of Data Collection Platforms (DCPs) at six sites on Mexican tributaries to the Rio Grande and one site on the Rio Grande. The purpose of the DCPs on these streams is to provide advance warning of flood flows as well as timely information needed for joint flood operations of the international dams and reservoirs and the international flood control projects of the Commission.

Alternatives Considered

Two alternatives were considered:

The Proposed Action Alternative provides for the two governments to enter into an agreement recommending a joint Mexico-U.S. program for installation of DCPs at six sites on Mexican tributaries to the Rio Grande and at one site on the Rio Grande.

The U.S. National Weather Service (NWS), recognizing a need for a short-notice flood forecasting data collection network in the Lower Rio Grande Basin, will, as a part of this agreement, provide to Mexico, at the expense of the United States Government, equipment for the installation of the DCPs over the ensuing three to four years. Further, the NWS will provide expert advice on DCP siting and telecommunications requirements for data transmission, site installations, and surveys. Finally, the NWS will assist in initial maintenance visits, as feasible, and in training of maintenance personnel.

Mexico will obtain and prepare the sites for the installations, do the installation, provide security and maintenance of the installations, provide quality assurance for the data and make the data available. The U.S. Section will assist with the installation of compatible stream and precipitation gages. Construction, operation and maintenance of the installations will be under the supervision of the Commission.

Under the No Action Alternative, flood operations would continue as in the past without the advance data on possible flood inflows to the Rio Grande from these remote areas in Mexico. The forecasting of flood flows and more reliable operation of Commission international flood control projects will continue to be more difficult without the timely data DCPs on Mexican tributaries to the Rio Grande could provide.

Environmental Assessment

The U.S. Section completed the Draft Environmental Assessment on April 30, 1987.

Findings of the Environmental Assessment

The Draft Environmental Assessment finds that:

1. The proposed agreement would provide for the installation, wholly in Mexico, of DCPs at six existing stream gaging stations on Mexican tributaries to the Rio Grande and at one existing site on the Rio Grande.

2. The data collected by the DCPs would be transmitted along existing lines of communication, including GOES (Geo-synchronous Orbiting Environmental Satellite) and other direct telecommunications links.

3. Secondary beneficial effects of reduced flood damage to habitat and properties, including those on or proposed for nomination to the National Register of Historic Places and the National Registry of Natural Landmarks; and the saving of lives could result from the advance warning of precipitation and floodwaters and subsequent Commission operations of international dams and international flood control projects.

On the basis of the Draft Environmental Assessment, the U.S. Section determines that an environmental impact statement is not required for the Government of the United States to enter into an agreement with the Government of Mexico to provide for installation and arrangements for maintenance of DCPs on Mexican tributaries to the Rio Grande and hereby supplies notice of a finding of no significant impact.

An environmental impact statement will not be prepared unless additional information which may affect this decision is brought to our attention within thirty (30) days of the date of this Notice.

The Draft Finding of No Significant Impact (FONSI) and Draft Environmental Assessment (EA) have been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the Draft FONSI and Draft EA are available to fill single copy requests at the above address.

Dated: May 1, 1987.

Suzette Zaboroski,

Staff Counsel.

[FR Doc. 87-11051 Filed 5-13-87; 8:45 am]

BILLING CODE 4710-03-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31037]

Carthage, Knightstown and Shirley Railroad; Acquisition and Operation; the Indiana Midland Railroad

Carthage, Knightstown & Shirley Railroad has filed a notice of exemption to acquire and operate certain properties of the Indiana Midland Railroad. The properties consist of: the line between Markleville, IN and Carthage, IN (milepost 173.95 to milepost 193.5) and the 1.75-mile branch line from Shirley, IN to Wilkinson, IN, a toatal distance of approximately 21 miles in Madison, Henry, Hancock, and Rush countries, IN. Any comments must be filed with the Commission and served upon Thomas L. Allison, Carthage, Knightstown & Shirley Railroad, 198 Railroad Street, P.O. Box 378, Shirley, IN 47384, telephone (317) 737-6561.[1]

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: April 28, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-11014 Filed 5-13-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31038]

Chicago, Missouri and Western Railway Co.; Trackage Rights; Chicago South Shore and South Bend Railroad

Chicago, Missouri & Western Railway Company (CM&W) has filed a Notice of Exemption to operate over trackage rights granted by the Chicago South Shore and South Bend Railroad (South Shore), between Burnham Yard and Kensington Station in Chicago, IL, a distance of 5.3 miles. This will enable

[1] The Railway Labor Executive's Association (RLEA) filed an unsupported request for labor protection claiming that this transaction is subject to the mandatory labor protection provisions of 49 U.S.C. 11347. The United Transportation union desires to become a party to the protest. Since this transaction involves an exemption from 49 U.S.C. 10901, only a showing of exceptional circumstances will justify the imposition of labor protective conditions. RLEA's request is denied, because the requisite showing has not been made. *See Class Exemption—Acq. & Oper. of R. Lines under 49 U.S.C. 10901*, 1 I.C.C. 2d 810 (1985).

CM&W to interchange with South Shore at Burnham Yard.[1]

Comments must be filed with the Commission and served on: Paul A. Cunningham, Pepper, Hamilton & Scheetz, 1777 F Street, NW., Washington, DC 20006, (202) 842–8100, and Theodore E. Cornell III, Seyfarth, Shaw, Fairweather & Geraldson, 55 East Monroe Street, Chicago, IL, (312) 346–8000.[2]

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time.[3] The filing of a petition to revoke will not automatically stay the transaction.

Decided: May 4, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–11013 Filed 5–13–87; 8:45 am]

BILLING CODE 7035-01-M

[1] CM&W states that interchange movements with South Shore were contemplated in the supporting statements submitted in Finance Docket No. 30911, *Chicago, Missouri & Western Railway Company—Exemption Acquisition and Operation—Illinois Central Gulf Railroad Company*. Notice of Exemption, (not printed), served October 23, 1986. The trackage rights agreement herein is claimed to be incidental to CM&W's exempted acquisition in Finance Docket No. 30911 and to promote the success of the acquisition by maintaining efficient connecting operations.

[2] The Railway Labor Executives' Association (RLEA) and United Transportation Union filed an unsupported request for labor protection claiming that this transaction is subject to the mandatory labor protection provisions of 49 U.S.C. 11347. However, the main line acquisition and related trackage rights agreements are governed by section 10901. Under section 10901(c), imposition of labor protective conditions is discretionary. Absent a specific showing of need, the Commission does not impose labor protective conditions on section 10901 transactions. Additionally, the Commission has a long standing and judicially approved policy of not imposing labor protective obligations upon newly formed acquiring carriers. There is no evidence in the record to support imposition of labor conditions, and none will be imposed. RLEA's request is denied.

[3] On April 27, 1987, a Petition to Reject, Revoke, and for Stay was filed by Francis C. Brewer and Patrick W. Simmons, United Transportation Union Legislative Directors for Indiana and Illinois, respectively. They urge rejection of the Notice in Finance Docket No. 31038 because the involved trackage rights are said not come within the class exemption promulgated at 49 CFR 1150.31 in *Class Exemption—Acq. & Oper. of R. Lines Under 49 U.S.C. 10901*, 1 I.C.C.2d 810 (1985). However, notices of exemption are rejected only if they are deficient on their face (*e.g.*, by failing to include all of the information required under 49 CFR 1150.33) As to the applicability to the transaction, these arguments will be considered in separate decisions relating to revocation and stay.

Agency Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Ray Houser (202) 275–6723. Comments regarding this information collection should be addressed to Ray Houser, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 395–7340.

Type of Clearance—Extension
Bureau/Office—Office of Proceedings
Title of Form—Appiication for Motor or Water Carrier Certificate or Permit, Brokerage License, Freight Forwarder Permit, or Water Carrier Exemption.
OMB Form No.—3120–0047
Agency Form No.—OP–1
Frequency—As applicant desires initial or expanded authority.
Respondents—Persons desiring operating authority
No. of Respondents—10,000
Total Burden Hrs.—80,000
Brief Description of the need & proposed use—Data are used to determine whether applicant for motor, passenger, motor property, water carrier, property broker and household goods, freight forwarder authority should be granted entry into the surface transportation industry.
Type of Clearance—Extension
Bureau/Office—Bureau of Accounts
Title of Form—Annual Report of Railroad Employees, Services and Compensation Quarterly Report of Railroad Employees, Services and Compensation Monthly Report of Number of Employees Class I Railroad
OMB Form No.—3120–0074
Agency Form No.—Annual Wage A&B m300 monthly wage report of employees
Frequency—Annually, Quarterly, Monthly
Respondents—Class I Railroads
No. of Respondents—21
Total Burden Hrs.—14,637
Brief Description of the need & proposed use—Data are used to access growth, sudden changes in carrier employment service hours and compensation and to identify changes and trends that may effect the transportation system.

Noreta R. McGee,

Secretary.

[FR Doc. 87–11015 Filed 5–13–87; 8:45 am]

BILLING CODE 7035-01-M

Agency Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Ray Houser (202) 275–6723. Comments regarding this information collection should be addressed to Ray Houser, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 395–7340

Type of Clearance—New Collection
Bureau/Office—Office of Compliance and Consumer Assistance
Title of Form—Household Goods Dispute Settlement Program Study-Carrier Questionnaire
OMB Form No.—None
Agency Form No.—OCCA 1937
Frequency—Non-Recurring
Respondents—Regulated Common Carriers of Household Goods
No. of Respondents—85
Total Burden Hrs.—21
Brief Description of the need & proposed use—This questionnaire will enable the Commission to determine the frequency of consumer use of approved dispute settlement programs participated in by a number of interstate movers and will be the basis of a study to determine the overall effectiveness of the programs.

Noreta R. McGee,

Secretary.

[FR Doc. 87–11016 Filed 5–13–87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

National Cooperative Research Act of 1984; Portland Cement Association

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 et seq. ("the Act"), the Portland Cement Association ("PCA")

has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following companies became members of the Association effective on the dates indicated below:

Tarmac-LoneStar, Inc.	Jan. 1, 1987
Capitol Cement Corp.	Mar. 1, 1987
Dundee Cement Co.	Mar. 1, 1987
Continental Cement Co.	Apr. 1, 1987
Davenport Cement Co.	Apr. 1, 1987
Missouri Portland Cement Co.	Apr. 1, 1987
Rinker Materials Corporation	Apr. 1, 1987

Accordingly, at present the members of the PCA are those companies listed below:

United States

Aetna Cement Corporation
Alaska Basic Industries
Ash Grove Cement Corporation
Ash Grove Cement West, Inc.
Ash Grove Foreman Cement Company
Blue Circle Atlantic, Inc.
Blue Circle, Inc.
Blue Circle West, Inc.
Calaveras Cement Company
CalMat Co.
Capitol Aggregates, Inc.
Capitol Cement Corporation
Continental Cement Company
Davenport Cement Company
Dragon Products Company
Dundee Cement Company
General Portland, Inc.
Hawaiian Cement
Ideal Basic Industries, Inc.
Independence Cement Corporation
Lehigh Portland Cement Company
Lone Star-Falcon
Lone Star Industries, Inc.
Medusa Cement Corporation
Missouri Portland Cement Company
The Monarch Cement Company
Moore McCormack Cement, Inc.
Northwestern States Portland Cement Co.
Rinker Materials Corporation
Rochester Portland Cement Corporation
St. Marys Peerless Cement Company
St. Marys Wisconsin, Inc.
The South Dakota Cement Plant
Southwestern Portland Cement Company
Tarmac-LoneStar, Inc.
Tilbury Cement Company

Canada

Canada Cement Lafarge Ltd.
Federal White Cement Ltd.
Inland Cement Limited
Lake Ontario Cement Limited
North Star Cement Limited
St. Lawrence Cement, Inc.
St. Marys Cement Corporation
Tilbury Cement Limited

In addition, the following equipment suppliers are involved as "Participating Associates," together with PCA members, in the activities of the Manufacturing Process Subcommittee of PCA's General Technical Committee

Baker-Dolomite (DBCA)
C-E Raymond
Holderbank Consulting Ltd.
Humboldt Wedag Company
Centennial Engineering, Inc.
Allis-Chalmers Corp.
F.L. Smidth and Company
Claudius Peters, Inc.
Polysius Corp.
The Fuller Company

On January 7, 1985, PCA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 5, 1985, 50 FR 5015. On March 14, 1985, August 13, 1985, January 3, 1986, February 14, 1986, May 30, 1986, July 10, 1986, December 31, 1986, and February 3, 1987, PCA filed additional written notifications. The Department published notices in the **Federal Register** in response to these additional notifications on April 10, 1985 (50 FR 14175), September 16, 1985 (50 FR 37594), February 4, 1986 (51 FR 4440), March 12, 1986 (51 FR 8573), June 27, 1986 (51 FR 23479), August 14, 1986 (51 FR 29173), February 3, 1987 (52 FR 3356), March 4, 1987 (52 FR 6635), respectively.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87-11069 Filed 5-13-87; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

Carolina Power & Light Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix J to 10 CFR Part 50 to Carolina Power & Light Company, (the licensee), for the H.B. Robison Steam Electric Plant, Unit No. 2, located in Darlington County, South Carolina.

Environmental Assessment

Indentification of Proposed Action

The exemption would grant relief from 10 CFR Part 50, Appendix J, paragraph II.A.3, which requires that all Type A (Containment Integrated Leak Rate) tests be performed in accordance with ANSI N45.4-1972, "Leakage Rate Testing of Containment Structures for Nuclear Reactors." ANSI N45.4 requires that leakage calculations be performed using the Total Time method. The licensee would rely, instead, on the Mass-Plot method described in ANSI/ANS 56.8-1981, "Containment System Leakage Testing."

The licensee's request for exemption and the bases therefor are contained in a letter dated April 17, 1987.

The Need for the Proposed Action

The proposed exemption is from the Standard referenced in 10 CFR Part 50, Appendix J, whch requires the containment leakage calculations be performed using either Point-to-Point or the Total Time method. The licensee has performed the calculations using the Mass-Plot method, a newer method which has been accepted by the NRC staff. Additionally, the revised Standard (ANSI/ANS 56.8-1981, "Containment Leakage Testing") specifies the use of the Mass-Plot method exclusively, and the new Standard is proposed to be incorporated into a planned revision of Appendix J.

Environmental Impacts of Proposed Action

The proposed exemption would permit the substitution of the Mass-Plot method for the Total Time method in performing leakage calculations. The Mass-Plot method has been accepted by the NRC staff as a more accurate technique that will increase confidence in the integrity of the containment. This exemption will not affect containment integrity and does not affect the risk of facility accidents. Thus, post-radiological releases will not be greater than previously determined, nor does the proposed exemption otherwise affect radiological plant effluents, nor result in any significant occupational exposure. Likewise, the exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Because it has been concluded that there is no measurable impact associated with the proposed exemption, any alternatives to the exemption will have either no

environmental impact or greater environmental impact.

The principal alternative to the exemption would be to deny the requested exemption. Such action would not reduce environmental impacts of the Robinson Unit 2 operations and would result in reduced operational flexibility or unwarranted delays in power ascension.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement related to the Operation of the H.B. Robinson Steam-Electric Plant Unit 2", dated April 1975.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based on the foregoing environmental assessment, the staff concludes that the proposed action will not have significant effect on the quality of the human environment.

For further information with respect to this action, see the application for exemption previously listed, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555 and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Dated at Bethesda, Maryland, this 8th day of May 1987.

For the Nuclear Regulatory Commission.

Jon B. Hopkins,

Acting Director, Project Directorate II-1, Division of Reactor Projects—I/II.

[FR Doc. 87-11047 Filed 5-13-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-313]

Arkansas Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-51 issued to Arkansas Power and Light Company (the licensee), for operation of the Arkansas Nuclear One, Unit 1, located in Pope County, Arkansas. The request for amendment was submitted by letter dated May 6, 1987.

The proposed amendment would revise ANO-1 Technical Specification (TS) to allow a one-time waiver from TS 3.8.15 and the related Basis to allow the Auxiliary Building crane to handle a spent fuel shipping cask. The waiver would allow the licensee to ship up to 16 spent fuel pins in a spent fuel shipping cask licensed by the U.S. Department of Energy (DOE) for hot cell examination as a part of the DOE Extended Burnup Program. TS 3.8.15 presently states that the spent fuel shipping cask shall not be carried by the Auxiliary Building crane pending the evaluation of the spent fuel cask drop accident and the crane design by Arkansas Power and Light (AP&L) and NRC review and approval.

TS 3.8.15 assures that the spent fuel cask drop accident cannot occur prior to completion of the NRC staff's review of this potential accident and the completion of any modifications that may be necessary to preclude the accident or mitigate the consequences. NRC review of this particular issue was incorporated into the staff's resolution of the generic issue (A-36) related to control of heavy loads near spent fuel. AP&L has completed all actions and submittals required by the issuance of NUREG-0612, "Control of Heavy Loads at Nuclear Power Plants", and a Safety Evaluation (SE) dated October 11, 1984 was issued by the staff.

The licensee states in its application while the licensee believes that sufficient justification exists for deletion of the TS restriction, a one-time waiver would permit the licensee to work with the DOE since the DOE has only one licensed spent fuel shipping cask available for a limited time (April 15 thru June 15) while allowing the NRC staff additional time to consider the licensee's request of April 7, 1987 to delete TS 3.8.15.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. A discussion of these standards as they relate to the proposed change follows:

(1) Consideration of Probability and Consequences of Accident

AP&L's procedures, load paths, crane equipment certification and operator training and other related heavy load handling topics were evaluated as part of the control of heavy loads issue and found acceptable. Further, the spent fuel cask handling is discussed in Section 9.6.2.6 of the ANO-1 FSAR, and that the cask will never travel over spent fuel. This restriction is not changed by the requested amendment which would permit the cask to be carried by the Auxiliary Building crane.

Although cask handling is presently prohibited by TS 3.8.15, ANO-1 FSAR Section 9.6.2.6 further evaluates the event of a cask drop accident. The analysis indicates that the consequences are acceptable. The cask drop evaluation in ANO-1 FSAR Section 9.6.2.6 assumes 15 full fuel assemblies, 100 days after shutdown, are involved. Although the DOE extended burnup fuel assemblies have longer operation than the three cycles assumed in the FSAR evaluation, they have been stored in the ANO-1 fuel pool much longer than the assumed 100 days, thus the iodine and noble gas inventory available for release has decreased substantially due to isotopic decay. The proposed amendment will allow shipment of at most 16 spent fuel pins, a very small fraction of the number of pins in 15 full assemblies. Each fuel assembly has 208 fuel pins, therefore, the offsite doses resulting from a cask drop would be much lower than those presented in the FSAR. Additionally, with a one-time waiver request only one-time movement of the cask coupled with the modifications made for conformance to NUREG-0612 would make the probability of a dropped cask very low. The proposed change, therefore, would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Consideration of Possibility of a New or Different Kind of Accident

The cask handling methods and cask drop accident are discussed and evaluated in ANO-1 FSAR Section 9.6.2.6 Additionally, the NRC performed an independent evaluation of the radiological consequences of a cask drop accident, as documented in the ANO-1 licensing SER dated June 6, 1973. The evaluations of the cask drop accident has concluded that the consequences would be within

acceptable bounds. No new accident scenarios have been identified related to the proposed amendment request, therefore, this change is bounded by the current analysis. The proposed amendment request will therefore not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Consideration of a Reduction in a Margin of Safety

The spent fuel cask has been issued and continues to hold an NRC Certificate of Compliance for radioactive materials packages, and the procedures, load paths and equipment to be used for cask handling have been reviewed and approved by the NRC with the resolution of the control of heavy loads issue. Further, the cask will contain only 16 fuel pins as opposed to the 15 assemblies assumed in the accident analysis. Therefore, the proposed amendment request will not involve a significant reduction in a margin of safety.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 15, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Procedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Att: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Jose A. Calvo, Director, Project Directorate–IV, Division of Reactor Projects—III, IV, V and Special Projects: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esq., Bishop, Liberman, Cook, Purcell and Reynolds, 1200 Seventeenth Street, NW., Washington, DC, 20036, an attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained

absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Tomlinson Library, Arkansas Tech. University, Russellville, Arkansas 72801.

Dated at Bethesda, Maryland, this 11th day of May 1987.

For the Nuclear Regulatory Commission.

George Dick,

Project Manager, Project Directorate–IV, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 87–11048 Filed 5–13–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–440]

Cleveland Electric Illuminating Co. et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination

The U.S. Nuclear Regualtory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–58 issued to the Cleveland Electric Illuminating Company (CEI), the Duquesne Light Company, the Ohio Edison Company, the Pennsylvania Power Company, and the Toledo Edison Company (the licensees) for operation of the Perry Nuclear Power Plant, Unit No. 1, located in Lake County, Ohio.

The amendment would grant the licensees a one-time exception to technical Specification 4.6.1.2.f to extend the leak testing interval of the Main Steamline Isolation Valves (MSIVs) in steamline "A" until July 12, 1987. Technical Specification 4.6.1.2.f requires that MSIVs be leak tested at least once per 18 months, and the MSIVs in steamline "A" are due to be tested by May 31, 1987.

CEI was granted an earlier Technical Specification exception for the operability of the Reactor Core Isolation Cooling (RCIC) system, which expires on May 31, 1987. The basis for the May 31st date was that modifications to the water level instruments which had proved successful during RCIC system testing were to be installed on all reference legs. These modifications were to be installed during a planned May-June 1987 maintenance outage; and it was planned that the steamline "A" MSIVs would be leak tested in accordance with the Technical Specification 4.6.1.2.f test time interval at that time. However, during a recent unplanned forced outage, the RCIC system instrument modifications were completed. Therefore, the only item which would force the plant to enter into a planned outage on May 31, 1987, is the leak testing of the MSIVs in steamline "A". Since CEI only recently determined that the post-modification testing on all of the reactor vessel water level instrumentation was performed successfully prior to the planned maintenance outage, it would serve no safety function to require the plant to be shut down on May 31, 1987 to conduct the steamline "A" MSIV tests.

The one-time change to extend the time interval for leak testing of the steamline "A" MSIVs is in response to the licensees' application for amendment dated May 4, 1987, which requested that the amendment be processed under exigent circumstances in accordance with 10 CFR 50.91(a)(6) in light of the short time remaining to perform the required MSIV leak tests.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed change does not increase the probability or consequences of an accident previously evaluated. CEI is proposing to perform leak testing of the MSIVs in steamline "A" six weeks later than presently required in the Plant Technical Specifications. The Commission's regulations in 10 CFR Part 50, Appendix J, "Primary Containment Leakage Testing for Water-Cooled Power Reactors," requires Type C tests to be conducted at intervals no greater than two years. The MSIVs in steamline "A" were last leak tested on July 13, 1985. Therefore, by postponing the leak tests until July 12, 1987, CEI will still be within the testing frequency interval required in 10 CFR Part 50, Appendix J.

The proposed change does not create a new or different kind of accident from any accident previously evaluated. CEI is proposing to postpone leak testing of the two MSIVs in steamline "A" from May 31, 1987, to July 12, 1987, and that by no later than July 12, 1987, CEI will perform all required testing on the MSIVs in accordance with the Commission's regulations. In addition, the change does not result in any modification to the plant design or systems operation.

The proposed change does not involve a significant reduction in a margin of safety. As is stated above, the two MSIVs in steamline "A" were leak tested on July 13, 1985, and the results of those tests were found to be well within the acceptance criteria established for each MSIV. CEI was issued a low power operating license (No. NPF–45) for Unit 1 on March 18, 1986, and commenced nuclear heatup in August 1986. As such, the MSIVs in question have only seen approximately nine months of service; and the MSIVs would only have been in service for one year since last being tested, with approval of the test interval extension proposed.

Therefore, based on these considerations and the three criteria given above, the Commission has made a proposed determination that the amendment request, which will be effective only up to July 12, 1987, involves no significant hazards consideration.

The Commission has determined that failure to act in a timely way would result in an untimely and unnecessary shutdown of Unit 1 on May 31, 1987, with no enhancement of safety. Therefore, the Commission has insufficient time to issue its usual 30-day notice of the proposed action for public comment.

If the proposed determination becomes final, an opportunity for a hearing will be published in the **Federal Register** at a later date and any hearing request will not delay the effective date of the amendment.

If the Commission decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the **Federal Register** and, if a hearing is granted, it will be held before any amendment is issued.

The Commission is seeking public comments on this proposed determination of no significant hazards consideration. Comments on the proposed determination may be

telephoned to Martin J. Virgilio, Acting Director, Project Directorate III–1, by collect call to (301) 492–4553, or submitted in writing to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland, from 8:15 a.m. to 5:00 p.m.

All comments received by May 29, 1987, will be considered in reaching a final determination. A copy of the application may be examined at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Dated at Bethesda, Maryland, this 11th day of May, 1987.

For the Nuclear Regulatory Commission.

Timothy G. Colburn,

Project Manager, Project Directorate III–1, Division of Reactor Projects—III, IV, V & Special Projects.

[FR Doc. 87–11050 Filed 5–13–87; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–155 and 50–255]

Consumers Power Co.; Applications

Notice is hereby given that the United States Nuclear Regulatory Commission (the Commission) is considering approval under 10 CFR 50.80 of the proposed corporate restructuring of Consumers Power Company (CPCo), the owner and licensee for the Big Rock Point and Palisades nuclear plants. By letter dated April 16, 1987, CPCo informed the Commission that the Board of Directors has proposed a corporate restructuring plan to be presented at the May 6, 1987 annual shareholders meeting. If a majority of CPCo shareholders approve the plan, CPCo will become a wholly-owned subsidiary of a new holding company, CMS Energy Corporation, effective on or about May 22, 1987. CPCo would remain as holder of the licenses for Big Rock Point and Palisades. If the plan is approved, the common stock of CPCo will be converted on a share-for-share basis into common stock of the holding company. The current CPCo Board of Directors will serve in the same capacity for the holding company, and there will be no significant change in ownership, management, or sources of funds for operation of the Big Rock Point or Palisades plants, according to the proposed plan.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of control of a license, after notice to interested persons, upon the Commission's determination that the holder of the license following the transfer is qualified to have the control of the license and that the transfer of such control is otherwise consistent with applicable provisions of law, regulations and orders of the Commission.

Dated at Bethesda, Maryland, this 11th day of May, 1987.

Martin J. Virgilio,

Acting Director, Project Directorate III–1, Division of Reactor Projects—III, IV, V & Special Projects.

[FR Doc. 87–11049 Filed 5–13–87; 8:45 am]

BILLING CODE 7590–01–M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C., section 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning July 1, 1987, shall be at the rate of 24 cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning July 1, 1987, 28.7 percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 71.3 percent of the taxes collected under such sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: May 7, 1987.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 87–11004 Filed 5–13–87; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

May 11, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following securities:

Tandem Computers Incorporated
Common Stock, $.025 Par Value (File No. 7–9877)

On-Line Software International, Inc.
Common Stock, $.01 Par Value (File No. 7–9878)

First Boston Income Fund, Inc.
Common Stock, $.001 Par Value (File No. 7–9879)

Navistar International Corporation
$6.00 Cumulative Convertible Preferred Stock Series G, $1.00 Par Value (File No. 7–9880)

Trinity Industries, Inc. (Delaware)
Common Stock, $1.00 Par Value (File No. 7–9881)

Utilicorp United Inc. (Delaware)
Common Stock, $1.00 Par Value (File No. 7–9882)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 2, 1987 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–11054 Filed 5–13–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34-24435; File No. SR-NYSE-87-8]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 20, 1987, the New York Stock Exchange, Inc. (the "Exchange"), filed with the Securities and Exchange Commission (the "Commission"), the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to revise Article IX Section 5, "Disciplinary Proceedings—Penalties and Review," of its Constitution and Rule 476, "Disciplinary Proceedings" to eliminate the limitations on the amount of fines that may be imposed in connection with an Exchange disciplinary action. The Exchange is also proposing to amend Rule 476 to require that, to the extent reasonably possible, at least one member of the Panel hearing a disciplinary proceeding must be engaged in similar activities as the respondent.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Elimination of Fine Limitations. Constitution Article IX section 5 and Rule 476 currently set forth maximum per charge fines that may be imposed upon a finding of guilt in a disciplinary proceeding of $25,000 for a natural person and $100,000 for other than a natural person. These fine limitation amounts were last changed in 1969 when they were increased from $10,000 for members and allied members (and implicitly for member organizations) to $25,000 for members and allied members and $100,000 for member organizations. However, in 1978 the limitations were amended to apply on a per charge rather than a per disciplinary action basis, thereby increasing the potential maximum fine in multiple charge disciplinary actions.

For some time, the Exchange has been reviewing the adequacy of its disciplinary fining authority. It has been determined that the current fine structure is inadequate. First, the limitation amounts are generally too low in the context of the current securities industry environment. In particular, the elimination of the fine limitations is responsive to the rise in capitalization and the dollar amount of business conducted by member organizations, as well as the effect of inflation since the fine limitations were last revised.

Second, the current fine structure could render the Exchange unable to impose an appropriate penalty in a significant disciplinary action that does not involve a number of charges or to impose fines appropriate to the relative severity of each charge in a multiple charge disciplinary action. Elimination of the fine limitations will ensure adequate disciplinary authority for the Exchange in significant disciplinary actions while also permitting the tailoring of penalties to the relative severity of charges in an action, rather than relying on the number of charges, and the maximum fine per charge, to impose an appropriate sanction.

Finally, in addition to allowing for more appropriate treatment of violations, the Exchange believes elimination of the fine limitations would have a significant deterrent effect on prospective violators, and would encourage greater vigilance by its member organizations to prevent such violations.

Amendment of Hearing Panel Composition Requirements. Rule 476 currently sets forth procedures with respect to the composition of Panels hearing disciplinary actions, relating such composition to the nature of the respondent. The rule provides, in part, that if the respondent is a member, member organization, allied member, or approved person, the Hearing Panel shall be composed of members or allied members; if the respondent is an employee of a member or member organization (but not a member or allied member), the Panel shall be composed of employees of members or member organizations (but not members or allied members).

The Exchange currently attempts to include on the Hearing Panel judging the charges a person engaged in similar functions or activities as the respondent. The Exchange believes that the procedural safeguard of such representation on the Hearing Panel should be formalized in order to assure, to the extent feasible, that at least one member of the Panel would have the necessary knowledge and understanding of the activities generally engaged in by the respondent. It is therefore proposing an amendment of Rule 476 to provide that, to the extent reasonably possible, at least one of the persons serving on a Hearing Panel must be engaged in similar activities as the respondent. This new requirement would be in addition to the functional qualifications of Hearing Panel members (in relation to the nature of the respondent) currently required by Rule 476.

The proposed elimination of the fine limitations is consistent with the requirements of the Act in that it is designed to ensure, in accordance with section 6(b)(6) of the Act, that the Exchange's rules provide that its members and persons associated therewith are appropriately disciplined for violations of the Act or the rules and regulations thereunder, or the rules of the Exchange.

Furthermore, this proposed amendment to the Exchange's Constitution and rules is consistent with section 6(b)(5) of the Act in that it is designed to appropriately sanction such violations, and deter prospective violators, and thereby prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and, in general, protect investors and the public interest.

The proposed revision of the Exchange's Hearing Panel composition requirements is consistent with section 6(b)(7) of the Act in that it is designed to ensure that the Exchange's rules provide a fair procedure for the disciplining of members and persons associated with members by requiring that the Hearing Panel judging the charges against a respondent shall include, to the extent reasonably possible, at least one person engaged in similar activities as the respondent.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposal does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange did not solicit or receive written comments on the proposed rule change from members, participants, or others.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 4, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 7, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-10990 Filed 5-13-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

May 8, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

American President Companies, Ltd.
Common Stock, $0.01 Par Value (File No. 7-9927)
Avery International Corporation
Common Stock, $1.00 Par Value (File No. 7-9928)
Dennison Manufacturing Company
Common Stock, $1.00 Par Value (File No. 7-9929)
International Multifoods Corporation
Common Stock, $0.10 Par Value (File No. 7-9930)
Temple-Inland Inc.
Common Stock, $1.00 Par Value (File No. 7-9931)
Todd Shipyards Corporation
Common Stock, $1.00 Par Value (File No. 7-9932)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 29, 1987, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-10993 Filed 5-13-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24384]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

May 7, 1987.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by June 1, 1987 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Columbus and Southern Ohio Electric Company (70-7386)

Columbus and Southern Ohio Electric Company ("C&SOE"), an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, and Simco, Inc. ("SIMCO"), a subsidiary of C&SOE, both located at 215 North Front Street, Columbia, Ohio 43215, have filed an application pursuant to sections 9(a) and 10 of the Act.

C&SOE, SIMCO and Peabody Coal Company ("Peabody") propose to enter into a Sale and Dissolution Agreement, which will terminate and dissolve: (1) A joint venture ("Joint Venture") formed in 1959 between SIMCO and Peabody; (2) C&SOE's leases of its interests in coal lands to the Joint Venture; and (3) an existing coal supply agreement between C&SOE and the Joint Venture. In addition: (1) Interests in certain of C&SOE's coal lands will be sold and assigned to Peabody; (2) the equipment

and vehicles owned and/or leased by SIMCO and used by the Joint Venture will be sold or assigned to Peabody; (3) a new coal supply agreement will be executed between SIMCO and Peabody; (4) C&SOE, SIMCO and Peabody will enter into a Beltline Agreement, under which Peabody will be granted the right to use SIMCO's conveyor beltline which extends from the coal lands to C&SOE's Conesville generating station; and (5) C&SOE will grant access rights to certain of its real property.

C&SOE and SIMCO will acquire from Peabody, as partial consideration for the transaction, a note in the principal amount of $11,198,000, bearing interest at a rate of 9% per annum, payable in 69 consecutive monthly installments of $20,482.64 each, and secured by an irrevocable standby letter of credit.

Jersey Central Power & Light (70–7395)

Jersey Central Power & Light Company ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey, 07960, a subsidiary of General Public Utilities Corporation, a registered holding company, has filed a declaration pursuant to section 12(d) of the Act and Rule 44 promulgated thereunder.

JCP&L proposes to sell to Riegel Products Corporation ("Riegel") for $4,050,000, a turbine, an electric generator, a computer, an electric substation and auxiliary equipment ("Property"), all located at Riegel's electric generating facility in Milford, New Jersey ("Milford Facility"). As of December 31, 1986, the Property had a net book value of $469,317. Riegel will use the Property to operate the Milford Facility as a cogeneration plant. JCP&L will purchase excess electricity produced by cogeneration at the Milford Facility.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–10991 Filed 5–13–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–15721; (812–6573)]

GMAC Mortgage Securities, Inc.; Application for Exemption

May 7, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

Applicants: GMAC Mortgage Securities, Inc. ("Applicant") on behalf of itself and certain grantor trusts to be created by Applicant ("Trust Issuers").

Relevant 1940 Act Sections: Order requested under section 6(c).

Summary of Application: Applicant seeks a conditional order of exemption from all provisions of the 1940 Act in connection with the issuance and sale of mortgage-backed securities and Equity Interests.

Filing Date: The application was filed on December 23, 1986, and amended on May 4, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on June 2, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESS: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 3044 West Grand Boulevard, Detroit, Michigan 48202.

FOR FURTHER INFORMATION CONTACT: Joyce M. Pichholz, Staff Attorney, (202) 272–3046, or H.R. Hallock, Jr., Special Counsel, (202) 272–3030 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. Applicant, a Delaware corporation, is an indirect wholly-owned limited purpose finance subsidiary of GMAC Mortgage Corp., a Michigan corporation which is a wholly-owned indirect subsidiary of General Motors Corporation. Applicant was formed in 1986 to facilitate the financing of residential mortgages through the issuance of bonds collateralized by mortgages and mortgage-backed securities or funding agreements secured by mortgages and mortgage-backed securities.

2. Applicant also seeks relief on behalf of certain Trust Issuers which Applicant may create. All Trust Issuers will engage in activities substantially similar to activities engaged in by Applicant. The activities of such Trust Issuers will, however, be further restricted to the issuance of bonds collateralized by Federal Certificates [1] and funding agreements secured ty Federal Certificates.

3. Applicant and the Trust Issuers (together, "Issuers") will issue and sell bonds ("Bonds") in series ("Series") secured primarily by Mortgage Collateral as defined in Condition A (2) below. Each Series of Bonds will be issued pursuant to an indenture ("Indenture") between an Issuer and an independent trustee ("Bond Trustee"), as supplemented by one or more supplemental indentures. Each Series of Bonds will be sold to institutional or retail investors through one or more investment banking firms. Indentures for public offerings will be qualified under the provisions of the Trust Indenture Act of 1939. Each Series will consist of one or more classes ("Classes") which will have fixed (established at the time of issuance) or variable (adjusted periodically according to a fixed index set forth in the Indenture) interest rates.

4. The Mortgage Collateral securing each Series of Bonds will be owned either (i) by an Issuer or (ii) by limited purpose financing entities affiliated with homebuilders, thrifts, commercial banks, mortgage bankers and other entities engaged in mortgage finance and pledged to secure such Series of Bonds pursuant to funding agreements ("Funding Agreements"). Each Series of Bonds may also be secured by certain funds and accounts including proceeds accounts, debt service funds, reserve funds, servicing agreements and insurance policies and by other credit enhancement devices described in the prospectus supplement for such Series (any or all of the foregoing together with Mortgage Collateral, "Bond Collateral"). Each Issuer will assign to the Bond Trustee as security for the relevant Series of Bonds its entire right, title and interest in the Bond Collateral.

5. The Mortgage Collateral securing each Series of Bonds, together with cash available to be withdrawn from any debt service funds, reserve funds, or other funds, will have scheduled cash flow sufficient, when taken together with reinvestment income thereon at

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[1] "Federal Certificates" are fully-modified pass-through mortgage-backed certificates ("GNMA Certificates") guaranteed by the Government National Mortgage Association ("GNMA"), guaranteed mortgage pass-through securities ("FNMA Certificates") issued by the Federal National Mortgage Association ("FNMA"), and mortgage participation certificates ("FHLMC Certificates") issued by the Federal Home Loan Mortgage Corporation ("FHLMC").

assumed reinvestment rates acceptable to each rating agency rating the Bonds, to make timely payments of principal of and interest on the Bonds in accordance with their terms. The outstanding bond value of the Bond Collateral securing a Series will be at least equal to the initial principal amount of such Series on the issue date.

6. Subject to Condition C, below, an Issuer may sell some or all of the rights it retains in and to any Bond Collateral upon issuance of a Series of Bonds or beneficial interests in any Trust Issuer (collectively, an "Equity Interest") to one or more banks, savings and loan associations, pension funds, insurance companies or other investors which customarily engage in the purchase of mortgages or mortgage collateral ("Owners") in transactions not constituting a public offering under section 4(2) of the Securities Act of 1933 ("1933 Act").

7. There will not be a conflict of interest between the holders of the Bonds ("Bondholders") and Owners as: (a) The Bond Collateral will not be speculative in nature; (b) the Bonds will be issued only if an independent nationally recognized statistical rating agency has rated such Bonds in one of the two highest rating categories; and (c) the relevant Indenture subjects the Bond Collateral, all income distributions thereon and all proceeds from a conversion, voluntary or involuntary, of any such collateral to a first priority perfected security interest in the name of the Bond Trustee on behalf of the bondholders. Further, neither the Owners nor the Bond Trustee will be able to impair the security afforded by the Mortgage Collateral because, without the consent of each affected Bondholder, neither the Owners nor the Bonds Trustee will be able to: (a) Change the stated maturity on any Bond; (b) reduce the principal or rate of interest on any Bond; (c) change the priority of repayment on any Class of any Series; (d) impair or adversely affect the Mortgage Collateral; or (e) permit the creation of a lien ranking prior to or on parity with the lien of the related Indenture with respect to the Mortgage Collateral or otherwise deprive the bondholders of the security afforded by the lien of the related Indenture.

8. The sale of Equity Interests will not alter the payment of cash flow under any Indenture, including the amourts to be deposited in the collection account or any reserve fund. Pricing efficiencies mandate that the Bond Collateral does not substantially exceed the amount of collateral required to be pledged in order to satisfy the standards of the rating agency. Thus, the excess cash flow from the Bond Collateral which is available to Owners always will be far less than the cash flow from the Bond Collateral that is used to make principal and interest payments to Bondholders. Further, except for the limited right to substitute Mortgage Collateral, it will not be possible for Owners to alter the Bond Collateral, and, in no event will such right of substitution result in a diminution in the value or quality of the Bond Collateral.

9. An election by an Issuer to be treated as a real estate mortgage investment conduit ("REMIC") will have no effect on the level of expenses that would be incurred by such Issuer. Administration fees and expenses will be paid or provided for in a manner satisfactory to the agency rating the Series and subject to Condition D below.

10. The proceeds from the sale of the Bonds will be used to facilitate the long-term financing of residential mortgage loans through the reinvestment of the proceeds in housing or housing-related assets. The relief requested is necessary and appropriate in the public interest because neither Applicant nor any Trust Issuer is the type of entity to which the provisions of the 1940 Act were intended to be applied, the safeguards afforded to bondholders fully protect investors, prospective purchasers of Equity Interests will be sophisticated in the area of mortgages and mortgage-backed assets and limited in number, and the proposed activities will promote the public interest by facilitating the financing of housing by supplying capital for reinvestment in the real estate and mortgage markets.

Conditions to Order

Applicant agrees that the requested order may be expressly conditioned upon the following:

A. Conditions Relating to the Bond Collateral

(1) Each Series will be registered under the 1933 Act, unless offered in a transaction exempt from registration pursuant to section 4(2) of the 1933 Act.

(2) The Bonds will be "mortgage related securities" within the meaning of section 3(a)(41) of the Securities Exchange Act of 1934. However, Mortgage Collateral collateralizing the Bonds issued by Applicant (and underlying Funding Agreements) will be limited to: (i) Mortgages that are first liens on single (one-to-four) family residences ("Mortgages"); (ii) mortgage certificates evidencing an undivided interest in pools of mortgages that are first liens on single (one-to-four) family. residences ("Private. Certificates"); and (iii) Federal Certificates (collectively with Private Certificates, "Mortgage Certificates"). The Mortgage- Collateral for Bonds issued by Trust Issuers and Funding Agreements securing Bonds issued by Trust Issuers will be limited to GNMA, FNMA, and FHLMC Certificates.

(3) If new Mortgage Oollateral is substituted as security for a Series, the substitute collateral must: (i) Be of equal or better quality than the Mortgage Collateral replaced; (ii) have similar payment terms and cash flow as the Mortgage Collateral replaced; (iii) be insured or guaranteed at least to the same extent as the Mortgage Collateral replaced; and (iv) meet the criteria set forth in Conditions A(2), (4) and (6). New Mortgage Collateral may not be substituted for more than 20% of the aggregate face amount of the Mortgages initially pledged as Mortgage Collateral and new Mortgage Certificates may not be substituted for more than 40% of the aggregate face amount of the Mortgage Certificates initially pledged. New Mortgages may be substituted for Mortgages initially pledged as Mortgage Collateral only in the event of default, late payments or defect in the collateral being replaced. New Private Certificates may be substituted for Private Certificates initially pledged as Mortgage Collateral only in the event of default, late payments or defect in the collateral being replaced. In no event may any new Mortgage Collateral be substituted for any substitute Mortgage Collateral. New Funding Agreements ney be substituted for the initial Funding Agreements only if the substitution of the Mortgage Collateral securing such Funding Agreements would be permitted under this condition.

(4) All Bond Collateral will be held by the Bond Trustee or on behalf of the Bond Trustee by an independent custodian. Neither the Bond Trustee nor custodian nay be an affiliate (as the term "affiliate" is defined in Rule 405 under the 1933 Act, 17 CFR 230.405 ("Rule 405")) of any Issuer. The Bond Trustee for each Series will be granted a first priority perfected security or lien interest in and to all Bond Collateral securing such Series.

(5) Each Series will be rated in one of the two highest bond rating categories ty at least one nationally recognized statistical rating organization that is not affiliated with any Issuer. The Bonds will not be "redeemable securities" within the meaning of section 2(a)(32) of the 1940 Act.

(6) The master servicer of any Mortgages (including, for purposes of

this paragraph, mortgages underlying Private Certificates) that are pledged as mortgage collateral may not be an affiliate of the Bond Trustee. If there is no master servicer, no servicer of such Mortgages may be an affiliate of the Bond Trustee. Any naster servicer and servicer of any such Mortgage will be approved by FNMA or FHLMC as an "eligible seller/servicer" of conventional, residential mortgage loans. The agreement governing the servicing of such Mortgages shall obligate the servicer to provide substantially the same services with respect to those Mortgages as it is then currently required to provide in connection with the servicing of mortgages insured by FHA, guaranteed by VA or eligible for purchase by FNMA or FHLMC.

(7) At least annually, an independent public accountant will audit the books and records of the Issuer and will report on whether the anticipated payments of principal and interest on the Bond Collateral continue to be adequate to pay the principal and interest on the Bonds in accordance with their terms. Upon completion, copies of the auditor's report(s) will be provided to the Bond Trustee.

B. Conditions Relating to Variable-rate Bonds

(1) Each Series of adjustable or floating interest rate Bonds will have a set maximum interest rate.

(2) At the time of deposit of the Bond Collateral and during the life of the Bonds, the scheduled payments of principal and interest to be received by the Bond Trustee on all Mortgage Collateral plus reinvestment income thereon, and funds, if any, pledged to secure the Bonds (as described in the Application) will be sufficient to make all payments of principal and interest on the Bonds then outstanding, assuming the maximum interest rate on each Series of adjustable or floating interest rate Bonds. Such Bond Collateral will be paid down as the mortgages constituting or underlying the Mortgage Collateral are repaid, but will not be released from the lien of the Indenture prior to the payment of the Bonds.

C. Conditions Relating to the Sale of Equity Interests

(1) Issuers will only sell Equity Interests with respect to Series of Bonds collaterlized by Mortgage Collateral consisting of Federal Certificates or Funding Agreements secured by Federal Certificates. Trust Issuers will sell Equity Interests only after issuing all Series of Bonds to be issued by such Trust Issuers.

(2) Any Equity Interest will be offered and sold only to (i) institutions or (ii) non-institutions which are "accredited investors" as defined in Rule 501(a) of the 1933 Act ("Owners"). Institutional investors will have such knowledge and experience in financial and business matters as to be able to evaluate the risks of purchasing Equity Interests and understand the volatility of interest rate fluctuations as they affect the value of mortgages, mortgage-related securities and residual interests therein. Non-institutional accredited investors will be limited to not more than 15 with respect to any Trust Issuer or Series of Bonds, will purchase at least $200,000 of such Equity Interests and will have a net worth at the time of purchase that exceeds $1,000,000 (exclusive of their primary residence). Further, non-institutional accredited investors will have such knowledge and experience in financial and business matters, specifically in the field of mortgage-related securities, as to be able to evaluate the risk of purchasing an Equity Interest and will have direct, personal and significant experience in making investments in mortgage-related securities and because of such knowledge and experience, will be able to understand the volatility of interest rate fluctuations as they affect the value or mortgage-related securities and residual interests therein. Owners will be limited to mortgage lenders, thrift institutions, commercial and investment banks, savings and loan associations, pension funds, employee benefit plans, insurance companies, mutual funds, real estate investment trusts or other institutional or non-institutional investors as described above which customarily engage in the purchase of mortgages and mortgage-related securities.

(3) Each sale of an Equity Interest will qualify as a transaction not involving any public offering within the meaning of section 4(2) of the 1933 Act.

(4) Each sale of an Equity Interest will prohibit the transfer of such Equity Interest if there would be more than 100 beneficial Owners of Equity Interests in any Trust Issuer or with respect to any Series of Bonds at any time.

(5) Each sale of an Equity Interest will require each purchaser thereof to represent that it is purchasing for investment and not for distribution and that it will hold such Equity Interest in its own name and not as nominee for undisclosed investors.

(6) Each sale of an Equity Interest will provide that (i) no Owner of such Equity Interest may be affiliated with the Bond Trustee for the relevant Issuer and (ii) no holders of a controlling (as that term is defined in Rule 405) Equity Interest in any Issuer may be affiliated with either the custodian of the Bond Collateral or the agency rating the Bonds of the relevant series.

(7) If the sale of the Equity Interests results in the transfer of control (as the term "Control" is defined in Rule 405) of any Issuer from the original owners of Applicant or auy Trust Issuer, the relief afforded by any Commission order granted on the application would not apply to subsequent Bond offerings by that Issuer.

D. Condition Relating to REMICs

An election to treat a Trust Issuer or one or more Series of Bonds as a REMIC will have no effect on the level of the expenses that would be incurred by any Issuer or Owner. In the event of any REMIC election, provision will be made for the payment of admininstrative fees and expenses as set forth in the application. Each Issuer will ensure that the anticipated level of fees and expenses will be adequately provided for regardless of the method selected.

E. Special Condition

Applicant undertakes to secure from each Trust Issuer its consent to comply with all of the applicable representations and conditions set forth above and more specifically described in the application.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonthan G. Katz,

Secretary.

[FR Doc. 87-10992 Filed 5-13-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-15723; 812-6607]

Sumitomo Bank Capital Markets, Inc.; Application for Order Permitting Foreign Bank Subsidiary To Issue United States or Foreign Currency Denominated Debt Securities

May 8, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

Applicant: Sumitomo Bank Capital Markets, Inc.

Relevant 1940 Act Sections: Exemption requested under section 6(c) from all provisions.

Summary of the Application: Applicant seeks an order permitting it to issue and sell in the United States and in

the Euromarkets its debt securities denominated in United States dollars and foreign currency.

Filing Dates: The application was filed on January 29, 1987, and amended on April 24, May 1, and May 8, 1987.

Hearing or Notification of Hearing. If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on June 2, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, c/o John L. Carr, Jr., Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Victor R. Siclari, Staff Attorney (202) 272–3037 or Brion R. Thompson, Special Counsel (202) 272–3016 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. Applicant, organized under the laws of the State of Delaware on December 4, 1986, is a wholly-owned subsidiary of The Sumitomo Bank, Limited ("Sumitomo"). Sumitomo undertakes to own all the capital stock of Applicant in the future. As of December 31, 1986, Applicant's total assets were $500 million with paid up capital and surplus of $500 million. Applicant holds Sumitomo's 12.5% limited partnership interest in the investment banking firm of Goldman, Sachs & Co. ("Goldman Sachs"), which is funded entirely by Sumitomo's equity in Applicant and is subject to specific conditions adopted by the Board of Governors of the Federal Reserve System ("FRB").

2. Sumitomo, ranked as the third largest bank in Japan in terms of deposits as of March 31, 1986, is presently engaged in the conduct of commercial banking business through a large number of banking offices in Japan and 29 other countries. Sumitomo also engages in banking activities in the United States through its branches in New York, Chicago and Seattle, and its banking subsidiaries based in San Francisco and Honolulu.

3. Sumitomo is extensively regulated under Japanese banking laws and regulations. Sumitomo is subject to examination, reporting requirements regarding its financial and business conditions, and supervision by the Japanese Ministry of Finance, as well as detailed examinations by The Bank of Japan, Japan's central bank. Applicant, being a wholly-owned subsidiary of Sumitomo, is also subject to oversight by Japanese regulatory authorities.

4. Sumitomo is a bank holding company by virtue of ownership of its California subsidiary bank and, thus, is subject to FRB regulation under the Bank Holding Company Act of 1956 ("BHCA"). In addition, the International Banking Act of 1978 subjects Sumitomo and its United States branches and agencies to federal examination, supervision, reporting, and regulatory requirements, including requirements to maintain reserves with the Federal Reserve System. Sumitomo's activities through its United States state-licensed offices are also subject to extensive regulation and examination under the laws of the states in which they are located. Sumitomo's New York branch (the "New York Branch") is subject to extensive regulation by the FRB and the New York State Banking Department, including reserve and reporting requirements and a pledge of assets to cover a fixed percentage of liabilities.

5. Applicant's activities also are subject to FRB regulation, supervision and examination under the BHCA because it is a nonbanking subsidiary of Sumitomo. As such, the Applicant is authorized to engage solely in those activities for which Sumitomo has obtained approval from the FRB under section 4(c)(8) of the BHCA or for which an exemption from the nonbanking prohibitions of section 4 of the BHCA is otherwise available. Sumitomo has obtained FRB approval to engage through Applicant in the following activities: (i) Making, acquiring, or servicing loans or other extensions of credit such as would be made by a commercial finance company, and (ii) leasing personal real property where such transactions are the functional equivalent of a loan. In addition, the FRB has determined that Applicant's investment in Goldman Sachs is consistent with section 4 of the BHCA. Applicant further represents that its proposed issuance of debt securities to fund its activities is permissible under the BHCA without prior FRB approval. Applicant will not engage, either directly or indirectly, in any activities that are impermissible under the BHCA.

6. Applicant intends to use the bulk of the proceeds from the sale of its debt securities to engage in commercial lending (on a secured and unsecured basis) and leasing transactions with unrelated parties. The balance of such proceeds, if any, may be deposited with or advanced to Sumitomo and its affiliates, but such proceeds shall not be advanced to or deposited with any affiliate of Sumitomo (i) which is engaged primarily in investing in securities, other than securities received in commercial lending transactions, trust company activities or other activities closely related to banking or otherwise permissible under the BHCA, and (ii) which is neither a banking affiliate nor a company in which Sumitomo's investment is subject to specific conditions adopted by the FRB.

7. Applicant proposes to issue and sell in the United States from time to time public and private offerings of its (i) unsecured prime quality commercial paper debt obligations with maturities of 270 days or less, (ii) medium term unsecured debt obligations with maturities ranging from 271 days to five years and (iii) long term unsecured debt obligations with maturities greater than five years (collectively, the "Debt Securities").

8. Applicant undertakes to ensure that the Debt Securities will be offered in the United States only pursuant to the registration requirements under the Securities Act of 1933 ("1933 Act"), or pursuant to an exemption from the registration requirements thereunder. In cases where Applicant intends to rely on an exemption from registration under the 1933 Act, Applicant undertakes that it will not issue or sell the Debt Securities until (i) it has received an opinion of United States legal counsel that the Debt Securities would be entitled to an exemption under the 1933 Act or (ii) the staff of the SEC shall have stated in writing that it will not recommend enforcement action to the SEC under the circumstances of the proposed offering. Applicant does not request SEC review or approval of this opinion.

9. Payment of the principal, interest, and premiums, if any, on Applicant's Debt Securities will be unconditionally guaranteed by the New York Branch or by Sumitomo ("Guarantee"). Applicant undertakes that it will not offer any Debt Securities to be unconditionally guaranteed by any Guarantee of the New York Branch unless it shall have

received an opinion of its United States and Japanese legal counsel to the effect that (i) the obligation of the New York Branch pursuant to the Guarantee constitutes the legal, valid and binding obligation of Sumitomo enforceable directly against Sumitomo in accordance with its terms and (ii) in the event of default by Applicant in the payment of principal, interest, or premiums, if any, on the Debt Securities, the holders of those Debt Securities will be able to institute legal proceedings to enforce the applicable Guarantee directly against Sumitomo without first proceeding against Applicant or the New York Branch. Applicant does not request SEC review or approval of this opinion.

10. The Debt Securities will be issued and sold in the United States in minimum denominations of $100,000, or the equivalent thereof at exchange rates prevailing as of a recent date at the time such securities are issued, with respect to Debt Securities denominated in foreign currency. The Debt Securities will be issued and sold through one or more dealers in the United States which will reoffer the Debt Securities as principal to institutional and other sophisticated investors in the United States. The Debt Securities will be direct liabilities of Applicant and (i) will rank *pari passu* among themselves, (ii) will rank equally with all other unsecured indebtedness of Applicant, and (iii) will be superior to the rights of shareholders. Any Guarantees issued by the New York Branch or by Sumitomo in support of Applicant's Debt Securities will rank (i) *pari passu* among themselves, (ii) equally with all other unsecured indebtedness of the New York Branch or of Sumitomo (except to the extent such indebtedness is preferred by operation of law), including deposit liabilities, and (iii) superior to the rights of shareholders of Sumitomo.

11. Applicant represents that any proposed issue of the Debt Securities will have received prior to issuance one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and that United States counsel shall have certified that such rating has been received. However, such a rating may not be obtained with respect to any such issue if in the opinion of United States counsel an exemption from registration is available under section 4(2) of the 1933 Act or Regulation D thereunder, such counsel having taken into account for the purpose thereof the doctrine of "integration"referred to in Rule 502 under the 1933 Act and various releases and relevant no-action letter made public by the SEC.

12. Applicant undertakes to ensure that the dealer will provide each offeree, prior to purchase of the Debt Securities, a memorandum describing the business of Applicant, the New York Branch (if the New York Branch issues a Guarantee) and Sumitomo, and containing Applicant's and Sumitomo's most recent publicly available audited year-end financial statements. Sumitomo's financial statements shall have been audited in accordance with Japanese accounting principles, and the memorandum will describe material differences, if any, between the accounting principles applied in the preparation of such financial statements and "generally accepted accounting principles" as employed by banks in the United States. The memorandum and financial statements will be at least as comprehensive as those customarily used by United States bank holding companies in offering debt securities in the United States and will be updated promptly to reflect material changes in the financial condition of Applicant or Sumitomo. Applicant undertakes, that in the event of an offering in the United States of its Debt Securities denominated in currency other than Unites States dollars, Applicant will set forth in the prospectus or memorandum relating to such offering (i) the rate of exchange between the currency in which the securities are denominated and United States dollars as of a recent date, and (ii) appropriate disclosure of the risks to investors regarding the potential for exchange rate fluctuations.

13. The Applicant and Sumitomo undertake to appoint a bank trust company or other financial institution in the United States to act as issuing and paying agent for the Debt Securities issued in the United States. In addition, Applicant and Sumitomo undertake to appoint an agent located in the City of New York to accept service of process in any action arising out of the sale of the Debt Securities. Applicant and Sumitomo undertake to consent to jurisdiction of any State or Federal court located in the City and State of New York in respect of any such action. Applicant and Sumitomo undertake that the appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Debt Securities have been paid. Applicant and Sumitomo will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Debt Securities or otherwise in connection with the Debt Securities. Neither the issuing or paying agent, nor the agent for service of process, will be a trustee for the holders of the Debt Securities; nor will they have any responsibilities or duties to act for such holders as would a trustee.

14. Applicant also plans, from time to time, to make public offerings outside the United States of United States dollar or foreign currency-denominated short term, medium term and long term debt obligations (collectively, the "Foreign Debt Securities"). Payment of the principal, interest, and premiums, if any, on the Foreign Debt Securities will be unconditionally guaranteed by a non-U.S. office of Sumitomo.

15. Applicant undertakes that any offering of the Foreign Debt Securities will be made solely overseas and will use measures reasonably designed to preclude distribution and redistribution of the Foreign Debt Securities within the United States or to United States citizens or residents or entities organized or having their principal place of business in the United States (collectively, "United States Investors") as contemplated in Securities Act Rel. No. 33–4708 (July 9, 1964). Applicant undertakes that the Foreign Debt Securities will contain appropriate "lock up" provisions, such as a mechanism by which each issue of securities is represented by a single temporary global security until at least 90 days after the completion of the distribution at which time definitive securities may be obtained by persons entitled thereto upon certification that they are not United States Investors. The Foreign Debt Securities will not be registered under the 1933 Act.

16. The requested exemption is consistent with the protection of investors and purposes of the 1940 Act and is appropriate in the public interest. The types of abusive practices which led to adoption of the 1940 Act are not applicable to Applicant because they are either precluded by the regulations to which it is subject under BHCA or not possible in the context of its business. Applicant further asserts that, as a commercial lending subsidiary of a bank holding company, it is not the type of entity intended to be regulated by the 1940 Act.

Applicant's Condition

1. Applicant consents to the order sought herein being expressly conditioned upon its compliance with the undertakings summarized above and more fully set forth in the application.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-11055 Filed 5-13-87; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0227]

Crocker Ventures, Inc.; Surrender of License

Notice is hereby given that Crocker Ventures, Inc., 420 Montgomery Street, San Francisco, California 94163 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Crocker Ventures, Inc. was licensed by the Small Business Administration on December 1, 1978.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was accepted on April 22, 1987, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 7, 1987.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 87-11076 Filed 5-13-87; 8:45 am]

BILLING CODE 8025-01-M

Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.302 (a) and (b) limit maximum annual Cost of Money (as defined in 13 CFR 107.3) that may be imposed upon a Small Concern in connection with Financing by means of Loans or through the purchase of Debt Securities. The cited regulation incorporates the term "Debenture Rate", which is defined elsewhere in 13 CFR 107.3 in terms that require SBA to publish, from time to time, the rate charged on ten-year debentures sold by Licensees to the public. Notice of this rate will be published upon change in the Debenture Rate.

Accordingly, Licensees are hereby notified that effective the date of publication of this Notice, and until further notice, the Debenture Rate to be used for computation of maximum cost of money pursuant to 13 CFR 107.302 (a) and (b) is 8.950% per annum.

13 CFR 107.302 does not supersede or preempt any applicable law imposing an interest ceiling lower than the ceiling imposed by its own terms. Attention is directed to section 308(i) of the Small Business Investment Act, as amended by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Dated: May 6, 1987.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 87-11080 Filed 5-13-87; 8:45 am]

BILLING CODE 8025-01-M

National Advisory Council; Meeting

The U.S. Small Business Administration, Office of Advisory Councils, located in the geographical area of Washington, DC, will hold its semiannual National Advisory Council meeting beginning at 8:00 a.m., Monday, May 18, 1987 thru 11:30 a.m., Tuesday, May 19, 1987, at the Washington Plaza Hotel, Massachusetts and Vermont Avenues NW., Washington, DC 20005, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Jean M. Nowak, Director, U.S. Small Business Administration, Office of Advisory Councils, 1441 L Street NW., Room 503-E, Washington, DC 20416 (202) 653-6748.

Jean M. Nowak,

Director, Office of Advisory Councils.

May 8, 1987.

[FR Doc. 87-11077 Filed 5-13-87; 8:45 am]

BILLING CODE 8025-01-M

National Advisory Council; Executive Committee Meeting

The U.S. Small Business Administration, Office of Advisory Councils, located in the geographical area of Washington, DC will hold a National Advisory Council Executive Committee meeting, 10:00 a.m. to 4:00 p.m., Sunday, May 17, 1987, at the Washington Plaza Hotel, Massachusetts and Vermont Avenues NW., Washington, DC 20005, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Jean M. Nowak, Director, U.S. Small Business Administration, Office of Advisory Councils, 1441 L Street NW., Room 503-E, Washington, DC 20416, (202) 653-6748.

Jean M. Nowak,

Director, Office of Advisory Councils.

May 8, 1987.

[FR Doc. 87-11078 Filed 5-13-87; 8:45 am]

BILLING CODE 8025-01-M

Presidential Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Presidential Advisory Committee on Small and Minority Business Ownership, located in Washington, DC, will meet at the Nevada Economic Development Procurement Conference on Wednesday, May 27, 1987, at 3:00 p.m. until 5:00 p.m., at 3570 Las Vegas Boulevard South, Las Vegas, Nevada 39109. At the hearing, private sector executives, local officials, trade associations, small and minority business entrepreneurs, will present testimony regarding the challenges they face in the development of their businesses, along with proposed solutions to these problems for possible implementation.

Persons wishing to obtain further information should contact Milton Wilson, Jr., Office of Private Industry Programs, U.S. Small Business Administration, 1441 L Street NW., Room 602, Washington, DC 20416, telephone (202) 653-6526, no later than May 15, 1987.

Jean M. Nowak,

Director, Office of Advisory Councils.

May 1, 1987.

[FR Doc. 87-11079 Filed 5-13-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 87-027]

Equipment, Construction, and Materials; Termination of Approval Notice

AGENCY: Coast Guard, DOT.

ACTION: Termination of Approval Notice.

SUMMARY: This notice contains a listing of Coast Guard approvals terminated between 1 September 1985 and 31 March 1987, as well as approvals terminated prior to 1 September 1985 which have not been published previously. These terminated approvals were for safety equipment and materials required by regulation to be used on certain merchant vessels and recreational

boats, and also in Outer Continental Shelf activities. This listing updates the information published in the 1 September 1985 edition of the Coast Guard publication "Equipment Lists."

FOR FURTHER INFORMATION CONTACT: Ms. Valarie Williams, Office of Marine Safety, Security, and Environmental Protection (G–MVI–3), U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593–0001, (202) 267–1444. Normal office hours are between 7 a.m. and 3:30 p.m., Monday through Friday, except holidays.

ADDRESS: The current edition of "Equipment Lists" (U.S. Coast Guard publication COMDTINST M16714.3B), is available for sale through the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, DC 20402. The price is $8.00 per copy including mailing within the United States. Foreign mailing is available for an additional 25% ($10.00 total cost). The GPO order number is 050–012–00232–1, and orders may also be placed by calling the GPO Order Desk at (202) 783–3238. Visa and Mastercard are accepted for orders placed by mail or by telephone.

SUPPLEMENTARY INFORMATION: Certain regulations in Titles 33 and 46 of the Code of Federal Regulations require that various items of lifesaving, firefighting, pollution prevention, and other safety equipment and materials used on board merchant vessels and recreational boats, and in Outer Continental Shelf activities be approved by the Commandant, U.S. Coast Guard. The Coast Guard publishes a manual titled "Equipment Lists" dated 1 September 1985, which lists equipment currently approved, and also equipment previously approved which can continue to be used on ships and boats as long as it is in good and serviceable condition. "Equipment Lists" is available for sale from the Government Printing Office, as indicated in the **ADDRESSES** section of this notice.

This document updates the 1 September 1985 "Equipment Lists" by listing certain approvals terminated during the period from 1 September 1985 to 31 March 1987. This document also corrects the 1 September 1985 "Equipment Lists" by listing certain approvals terminated prior to 1 September 1985 which were inadvertently omitted from that document. The termination actions were taken under the procedures in 46 CFR 2.75–1 to 2.75–50.

The statutory authority for regulations governing this equipment is in sections 3306(a), 4102, and 4302(a)(2) of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)).

Most of the items in this list were terminated because they are no longer produced. Unless otherwise stated in the list, terminated items may continue to be used on vessels as long as the equipment is in good and serviceable condition.

The following approvals have been terminated:

Gas Mask

160.011/47/0 dated 2 April 1981, expired 2 April 1986. Ammonia Gas Mask, approval held by Mine Safety Appliances Co., 201 North Braddock Ave., Pittsburgh, PA 15208.

160.011/48/0 dated 2 April 1981, expired 2 April 1986. MSA Gas Mask Type N, approval held by Mine Safety Appliances Co., 201 North Braddock Ave., Pittsburgh, PA 15208.

Self-Contained Breathing Apparatus

160.011/50/0 dated 22 October 1980, expired 22 October 1985. Scott Rescue Pak P/N 900050, approval held by Scott Aviation Division of A–T–0, Inc., 225 Erie St., Lancaster, NY 14086.

Flame Safety Lamp

160.016/2/3 dated 8 January 1981, expired 8 January 1986. Koehler Model 289–1A, approval held by Koehler Manufacturing Co., Marlboro, MA 01752.

Emergency Signaling Mirror

160.020/5/1 dated 9 April 1981, expired 9 April 1986. Model CG–2, approval held by Revere Glass Co., 583 Beach Street, Revere, MA 02151.

Floating Orange Smoke Distress Signal

160.022/5/1 dated 9 October 1980, expired 9 October 1985. Kilgore Model K–5, approval held by Kilgore Corporation, Toone, TN 38381.

160.022/2/2 dated 3 March 1981, expired 3 March 1986. Model OS–5, approval held by Superior Signal Company, Inc., W. Greystone Road, Spotswood, NJ 08884.

Emergency Provisions (Lifeboats & Liferafts)

160.026/37/1 dated 19 March 1981, expired 19 March 1986. Approval held by F & L Packing Corporation, 681 Main Street, Belleville, NJ 07109.

160.026/52/0 dated 18 August 1981, expired 18 August 1986. Approval held by Koninklijke Verkade Fabrieken B. V., Westzijde 103, P.O.B. 5, 1500 DA ZAANDAM, The Netherlands.

Signal Pistol

160.028/16/0 dated 17 March 1981, expired 17 March 1986. Mayday 25 mm, approval held by Firearms Import & Export Corporation, P.O. Box 4866, Hialeah Lakes, Hialeah, FL 33014.

Lifeboat

160.035/459/0 dated 11 April 1980, expired 11 April 1985. 26.0′ x 9.0′ x 3.83′ fibrous glass reinforced plastic (FRP), oar-propelled, 53-person capacity, approval held by Marine Safety Equipment Corp., Foot of Wyckoff Road, Farmingdale, NJ 07727.

160.035/461/0 dated 11 April 1980, expired 11 April 1985. 26.0′ x 9.0′ x 3.83′ fibrous glass reinforced plastic (FRP), hand-propelled, 53-person capacity, approval held by Marine Safety Equipment Corp., Foot of Wyckoff Road, Farmingdale, NJ 07727.

Kapok Buoyant Vest

160.047/342/0 dated 1 February 1983 termination effective 19 February 1986. Adult, Model AK–1, approval held Ero Industries, Inc., 308 South Williams Street, Hazelhurst, GA 31539.

160.047/343/0 dated 1 February 1983 termination effective 19 February 1986. Child Medium, Model CKM–1, approval held by Ero Industries, Inc., 308 South Williams Street, Hazelhurst, GA 31539.

160.047/344/0 dated 1 February 1983 termination effective 19 February 1986. Child Small, Model CKS–1, approval held by Ero Industries, Inc., 308 South Williams Street, Hazelhurst, GA 31539.

160.047/390/1 dated 8 November 1984 termination effective 2 December 1985. Model AK–1, approval held by Milco Marine Industries Corp., 400 Thatford Ave., Brooklyn, NY 11212.

160.047/391/1 dated 8 November 1984 termination effective 2 December 1985. Model CKM–1, approval held by Milco Marine Industries Corp., 400 Thatford Ave., Brooklyn, NY 11212.

160.047/392/1 dated 8 November 1984 termination effective 2 December 1985. Model CKS–1, approval held by Milco Marine Industries Corp., 400 Thatford Ave., Brooklyn, NY 11212.

160.047/663/0 dated 20 February 1981 termination effective 20 February 1986. Adult Model 212, approval held by Miltco Products Corp., 139 Emerson Place, Brooklyn, NY 11205.

Unicellular Plastic Foam Ring Life Buoy

160.050/110/0 dated 30 June 1981, expired 30 June 1986. Twenty-inch unicellular plastic foam ring life buoy, approval held by Datrex, Inc., 3770 NW. South River Dr., Miami, FL 33142.

Work Vests, Unicellular Plastic Foam

160.053/63/0 dated 20 June 1984, termination effective 19 February 1986. Adult Universal, Model WW–lA, cloth covered, unicellular plastic foam "Work Vest", approval held by Ero Industries, Inc., 5940 W. Touhy, Chicago, IL 60648.

Cloth Covered Unicellular Plastic Foam Life Preserver

160.055/138/0 dated 20 June 1984, termination effective 19 February 1986. Adult Universal, Model WW–1, approval held by Ero Industries, Inc., 5940 W. Touhy, Chicago, IL 60648.

Marine Buoyant Device

160.064/219/0 dated 22 February 1983, termination effective 12 February 1986. Adult Medium, Model 101, 101B, 101C, cloth covered, unicellular plastic foam "Yachting Vest" or "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/220/0 dated 22 February 1983, termination effective 12 February 1986. Adult Large, Model 101, 101B, 101C, cloth covered, unicellular plastic foam "Yachting Vest" or "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/308/0 dated 31 May 1978, expired 31 May 1983. Adult Small Model 6260, cloth covered PVC foam flotation jacket, approval held by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Dr., Dallas, TX 75236.

160.064/309/0 dated 31 May 1978, expired 31 May 1983. Adult Medium Model 6260, cloth covered PVC foam flotation jacket, approval held by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Dr., Dallas, TX 75236.

160.064/317/0 dated 31 May 1978, expired 31 May 1983. Adult X-Large Model 6260, cloth covered PVC foam flotation jacket, approval held by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Dr., Dallas, TX 75236.

160.064/362/0 dated 1 April 1981, expired 1 April 1986. Child Medium Model 3H34A, vinyl dipped unicellular plastic foam "Water Ski Vest", approval held by Chrysler Outboard Corp., Hartford, WI 53027.

160.064/363/0 dated 1 April 1981, expired 1 April 1986. Adult Model 3H35A, vinyl dipped unicellular plastic foam "Water Ski Vest", approval held by Chrysler Outboard Corp., Hartford, WI 53027.

160.064/364/0 dated 1 April 1981, expired 1 April 1986. Adult Model 3H36A, vinyl dipped unicellular plastic foam "Water Ski Vest", approval held by Chrysler Outboard Corp., Hartford, WI 53027.

160.064/402/0 dated 22 February 1983, termination effective 12 February 1986. Adult Small, Model 101, 101B, 101C, cloth covered, unicellular plastic foam, "Yachting Vest" or "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/403/0 dated 22 February 1983, termination effective 12 February 1986. Adult X-Large, Model 101, 101B, 101C, cloth covered, unicellular plastic foam, "Yachting Vest" or "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/551/0 dated 10 August 1973, expired 10 August 1978. Adult X-Large Model 1200, vinyl dipped unicellular plastic foam "Water Ski Vest", approval held by Quality Built Products Co. Inc., 1832 Commercial Street, Springfield, MO 65803.

160.064/766/0 dated 9 June 1975, expired 9 June 1980. Child Medium, Model 531, cloth covered unicellular plastic foam "Ski or Fishing Vest", approval held by Himalayan Industries, Inc., P.O. Box 5668, Pine Bluff, AR 71601.

160.064/818/0 dated 2 April 1980, expired 2 April 1985. Child medium, Model 2M, vinyl dipped unicellular plastic foam "Boating and Ski Vest", approval held by Taylortec, Inc., 2549 Hickory Avenue, Metairie, LA 70003.

160.064/819/0 dated 2 April 1980, expired 2 April 1985. Child Small, Model 2C, vinyl dipped unicellular plastic foam "Boating and Ski Vest", approval held by Taylortec, Inc., 2549 Hickory Avenue, Metairie, LA 70003.

160.064/885/0 dated 12 May 1980, expired 12 May 1985. Adult, Model 705, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Miltco Products Corporation, 139 Emerson Place, Brooklyn, NY 11205.

160.064/886/0 dated 12 May 1980, expired 12 May 1985. Adult, Model 805, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Miltco Products Corporation, 139 Emerson Place, Brooklyn, NY 11205.

160.064/939/0 dated 1 April 1981, expired 1 April 1986. Youth, Model 173137, cloth covered unicellular plastic foam "Water Ski Vest", approval held by OMC Parts & Accessories, McClure Street, Galesburg, IL.

160.064/940/0 dated 1 April 1981, expired 1 April 1986. Adult Medium, Model 173139, cloth covered unicellular plastic foam "Water Ski Vest", approval held by OMC Parts & Accessories, McClure Street, Galesburg, IL.

160.064/941/0 dated 1 April 1981, expired 1 April 1986. Adult Large, Model 173141, cloth covered unicellular plastic foam "Water Ski Vest", approval held by OMC Parts & Accessories, McClure Street, Galesburg, IL.

160.064/942/0 dated 1 April 1981, expired 1 April 1986. Adult X-Large, Model 173143, cloth covered unicellular plastic foam "Water Ski Vest", approval held by OMC Parts & Accessories, McClure Street, Galesburg, IL.

160.064/943/0 dated 1 April 1981, expired 1 April 1986. Adult XX-Large, Model 173145, cloth covered unicellular plastic foam "Water Ski Vest", approval held by OMC Parts & Accessories, McClure Street, Galesburg, IL.

160.064/982/0 dated 1 June 1978, expired 1 June 1983. Child Small, Model BV–2, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/983/0 dated 1 June 1978, expired 1 June 1983. Child Medium, Model BV–2, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/984/0 dated 1 June 1978, expired 1 June 1983. Adult, Model BV–2, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/985/0 dated 1 June 1978, expired 1 June 1983. Adult, Model BV–2, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/986/0 dated 1 June 1978, expired 1 June 1983. Adult, Model BV–2, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/987/0 dated 1 June 1978, expired 1 June 1983. Adult, Model BV–2, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/1069/0 dated 23 February 1981, termination effective 13 August 1981. Child Medium, Model NCSS–G, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Taperflex of America, 558 Library Street, San Fernando, CA 91341.

160.064/1070/0 dated 23 February 1981, termination effective 13 August 1981. Adult, Model NCMS–G, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Taperflex of America, 558 Library Street, San Fernando, CA 91341.

160.064/1084/1 dated 22 February 1977, expired 22 February 1982. Adult Large, Models 5738, 5728, 6218, and 7218, cloth covered unicellular plastic foam, "Hunt and Fish Buoyant Vest", approval held by Kent Sporting Goods, 710 Orange Street, Ashland, OH 44805.

160.064/1089/0 dated 7 May 1980, termination effective 15 August 1983. Adult-Large, Model CBVXL–103, cloth covered unicellular plastic foam "Boating Vest", approval held by Western Water Ski, 6077 S.W. Lakeview Blvd., Lake Oswego, OR 97034.

160.064/1333/0 dated 26 March 1980, expired 26 March 1985. Adult Universal, Model 759, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest", approval held by Buddy Schoellkopf Products, Inc., 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/1334/0 dated 21 April 1980, termination effective 2 September 1982. Child Small (30 to 50 lb.), Model S9762, vinyl dipped unicellular plastic foam "Ski, Swim, and Jump Vest", approval held by World Team Mfg., 25 Parmaron Way, Novato, CA 94947.

160.064/1335/0 dated 21 April 1980, termination effective 2 September 1982. Adult Small, Model S9763, vinyl dipped unicellular plastic foam "Ski, Swim, and Jump Vest", approval held by World Team Mfg., 25 Parmaron Way, Novato, CA 94947.

160.064/1336/0 dated 21 April 1980, termination effective 2 September 1982. Adult Medium, Model S9764, vinyl dipped unicellular plastic foam "Ski, Swim, and Jump Vest", approval held by World Team Mfg., 25 Parmaron Way, Novato, CA 94947.

160.064/1337/0 dated 21 April 1980, termination effective 2 September 1982. Adult Large, Model S9765, vinyl dipped unicellular plastic foam "Ski, Swim, and Jump Vest", approval held by World Team Mfg., 25 Parmaron Way, Novato, CA 94947.

160.064/1338/0 dated 21 April 1980, termination effective 2 September 1982. Adult X-Large, Model S9766, vinyl dipped unicellular plastic foam "Ski, Swim, and Jump Vest", approval held by World Team Mfg., 25 Parmaron Way, Novato, CA 94947.

160.064/1372/0 dated 19 April 1984, termination effective 16 December 1986. Child Small (for persons 30 to 50 lb.), Models PW–507–N or PW–3507–N, cloth covered unicellular plastic foam "Beach 'N Boating Buoyant Vest" or "Buoyant Vest", approval held by Stearns Mfg. Co, P.O. Box 1498, St. Cloud, MN 56301.

160.064/1511/0 dated 9 February 1983, termination effective 12 February 1986. Adult Small or Medium, Model 201, 801, 805, 808, and 908, cloth covered, unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/1512/0 dated 9 February 1983, termination effective 12 February 1986. Adult Large or X-Large, Model 201, 801, 805, 808, and 908, cloth covered, unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/1513/0 dated 11 March 1980, expired 11 March 1985. Child, Model 505A, cloth covered unicellular plastic foam "Ski and Sports Vest", approval held by O'Brien International, Inc., Div. of the Coleman Company, 14615 NE. 91st Street, Redmond, WA 98052.

160.064/1514/0 dated 11 March 1980, expired 11 March 1985. Youth Medium, Model 505A, cloth covered unicellular plastic foam "Ski and Sports Vest", approval held by O'Brien International, Inc., Div. of the Coleman Company, 14615 NE. 91st Street, Redmond, WA 98052.

160.064/1515/0 dated 11 March 1980, expired 11 March 1985. Adult X-Small, Model 505A, cloth covered unicellular plastic foam "Ski and Sports Vest", approval held by O'Brien International, Inc., Div. of the Coleman Company, 14615 NE. 91st Street, Redmond, WA 98052.

160.064/1516/0 dated 11 March 1980, expired 11 March 1985. Adult Small, Model 505A, cloth covered unicellular plastic foam "Ski and Sports Vest" approval held by O'Brien International, Inc., Div. of the Coleman Company, 14615 NE. 91st Street, Redmond, WA 98052.

160.064/1517/0 dated 11 March 1980, expired 11 March 1985. Adult Medium, Model 505A, cloth covered unicellular plastic foam "Ski and Sports Vest", approval held by O'Brien International, Inc., Div. of the Coleman Company, 14615 NE. 91st Street, Redmond, WA 98052.

160.064/1518/0 dated 11 March 1980, expired 11 March 1985. Adult Large, Model 505A, cloth covered unicellular plastic foam "Ski and Sports Vest", approval held by O'Brien International, Inc., Div. of the Coleman Company, 14615 NE. 91st Street, Redmond, WA 98052.

160.064/1519/0 dated 11 March 1980, expired 11 March 1985. Adult X-Large, Model 505A, cloth covered unicellular plastic foam "Ski and Sports Vest", approval held by O'Brien International, Inc., Div. of the Coleman Company, 14615 NE. 91st Street, Redmond, WA 98052.

160.064/1521/0 dated 11 September 1978, expired 11 September 1983. Child Small, Model 800 Kiddy, cloth covered unicellular plastic foam "Water Safety Foam Vest", approval held by Miltco Products Corporation, 139 Emerson Place, Brooklyn, NY 11205.

160.064/1620/0 dated 25 March 1980, expired 25 March 1985. Child Medium, Model 14030A, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest", approval held by Red Head Brand Corporation, 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/1621/0 dated 25 March 1980, expired 25 March 1985. Adult, Model 14031A, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest", approval held by Red Head Brand Corporation, 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/1622/0 dated 25 March 1980, expired 25 March 1985. Adult, Model 14032A, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest", approval held by Red Head Brand Corporation, 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/1623/0 dated 25 March 1980, expired 25 March 1985. Adult, Model 14033A, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest", approval held by Red Head Brand Corporation, 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/1624/0 dated 25 March 1980, expired 25 March 1985. Adult, Model 14034A, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest", approval held by Red Head Brand Corporation, 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/1625/0 dated 26 March 1980, expired 26 March 1985. Child Medium, Model 6754A, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest", approval held by Red Head Brand Corporation, 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/1626/0 dated 26 March 1980, expired 26 March 1985. Adult, Model 6755A, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest", approval held by Red Head Brand Corporation, 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/1627/0 dated 26 March 1980 expired 26 March 1985. Adult, Model 6756A, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest", approval held by Red Head Brand Corporation, 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/1628/0 dated 26 March 1980 expired 26 March 1985. Adult, Model 6757A, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest", approval held by Red Head Brand Corporation, 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/1629/0 dated 26 March 1980 expired 26 March 1985. Adult, Model 6758A, vinyl dipped unicellular plastic foam "Sailing & Water Ski Vest", approval held by Red Head Brand Corporation, 4949 Joseph Hardin Drive, Dallas, TX 75236.

160.064/1665/0 dated 25 March 1983, termination effective 9 September 1986. Adult Small, Model FV–1, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Paris Southern Corp., P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1666/0 dated 25 March 1983, termination effective 9 September 1986. Adult Medium, Model FV–1, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Paris Southern Corp., P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1667/0 dated 25 March 1983, termination effective 9 September 1986. Adult Large, Model FV–1, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Paris Southern Corp., P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1668/0 dated 25 March 1983, termination effective 9 September 1986. Adult X-Large, Model FV–1, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Paris Southern Corp., P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1676/0 dated 25 March 1983, termination effective 9 September 1986. Adult Small, Model FV–4, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Paris Southern Corp., P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1677/0 dated 25 March 1983, termination effective 9 September 1986. Adult Medium, Model FV–4, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Paris Southern Corp., P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1678/0 dated 25 March 1983, termination effective 9 September 1986. Adult Large, Model FV–4, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Paris Southern Corp., P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1679/0 dated 25 March 1983, termination effective 9 September 1986. Adult X-Large, Model FV–4, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Paris Southern Corp., P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1680/0 dated 9 November 1978, expired 9 November 1983. Tyke (30 to 50 lbs.), Model RA–20, cloth covered unicellular plastic foam "General Boating Vest", approval held by Riverside Associates, Francestown, NH 03043.

160.064/1681/0 dated 9 November 1978, expired 9 November 1983. Youth (50 to 90 lbs.), Model RA–30, cloth covered unicellular plastic foam "General Boating Vest", approval held by Riverside Associates, Francestown, NH 03043.

160.064/1682/0 dated 9 November 1978, expired 9 November 1983. Adult Small, Model RA–40, cloth covered unicellular plastic foam "General Boating Vest", approval held by Riverside Associates, Francestown, NH 03043.

160.064/1683/0 dated 9 November 1978, expired 9 November 1983. Adult Medium, Model RA–50, cloth covered unicellular plastic foam "General Boating Vest", approval held by Riverside Associates, Francestown, NH 03043.

160.064/1684/0 dated 9 November 1978, expired 9 November 1983. Adult Large, Model RA–60, cloth covered unicellular plastic foam "General Boating Vest", approval held by Riverside Associates, Francestown, NH 03043.

160.064/1685/0 dated 9 November 1978, expired 9 November 1983. Adult X-Large, Model RA–70, cloth covered unicellular plastic foam "General Boating Vest", approval held by Riverside Associates, Francestown, NH 03043.

160.064/1691/0 dated 9 February 1983, termination effective 12 February 1983. Youth, Model 908, cloth covered unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/1718/0 dated 6 August 1984, termination effective 20 February 1986. Tyke, Model 304, cloth covered unicellular plastic foam "Buoyant Sport Vest", approval held by Omega Corporation, 130 Condor Street, East Boston, MA 02128.

160.064/1719/0 dated 6 August 1984, termination effective 20 February 1986. Youth, Model 305, cloth covered unicellular plastic foam "Buoyant Sport Vest", approval held by Omega Corporation, 130 Condor Street, East Boston, MA 02128.

160.064/1720/0 dated 6 August 1984, termination effective 20 February 1986. Adult Small, Model 306, cloth covered unicellular plastic foam "Buoyant Sport Vest", approval held by Omega Corporation, 130 Condor Street, East Boston, MA 02128.

160.064/1721/0 dated 6 August 1984, termination effective 20 February 1986. Adult Medium, Model 307, cloth covered unicellular plastic foam "Buoyant Sport Vest", approval held by Omega Corporation, 130 Condor Street, East Boston, MA 02128.

160.064/1722/0 dated 6 August 1984, termination effective 20 February 1986. Adult Large, Model 308, cloth covered unicellular plastic foam "Buoyant Sport Vest", approval held by Omega Corporation, 130 Condor Street, East Boston, MA 02128.

160.064/1723/0 dated 6 August 1984, termination effective 20 February 1986. Adult X-Large, Model 309, cloth covered unicellular plastic foam "Buoyant Sport Vest", approval held by Omega Corporation, 130 Condor Street, East Boston, MA 02128.

160.064/1724/0 dated 6 August 1984, termination effective 20 February 1986. Adult XX-Large, Model 310, cloth covered unicellular plastic foam "Buoyant Sport Vest", approval held by Omega Corporation, 130 Condor Street, East Boston, MA 02128.

160.064/1776/0 dated 6 April 1981, expired 6 April 1986. Adult Small, Models IHV–501, FV–100, FV–105, or FJS–50, cloth covered unicellular plastic foam "Flotation Jacket", approval held by Stearns Mfg. Co, P.O. Box 1498, St. Cloud, MN 56301.

160.064/1777/0 dated 6 April 1981, expired 6 April 1986. Adult Medium, Models IHV–501, FV–100, FV–105, or FJS–50, cloth covered unicellular plastic foam "Flotation Jacket", approval held by Stearns Mfg. Co, P.O. Box 1498, St. Cloud, MN 56301.

160.064/1778/0 dated 6 April 1981, expired 6 April 1986. Adult Large, Models IHV–501, FV–100, FV–105, or FJS–50, cloth covered unicellular plastic foam "Flotation Jacket", approval held by Stearns Mfg. Co, P.O. Box 1498, St. Cloud, MN 56301.

160.064/1780/0 dated 6 April 1981, expired 6 April 1986. Adult XX-Large, Models IHV–501, FV–100, FV–105, or FJS–50, cloth covered unicellular plastic foam "Flotation Jacket", approval held by Stearns Mfg. Co, P.O. Box 1498, St. Cloud, MN 56301.

160.064/1833/0 dated 22 February 1983, termination effective 12 February 1986. Adult Small, Model 803B, cloth covered unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/1834/0 dated 22 February 1983, termination effective 12 February 1986. Adult Medium, Model 803B, cloth covered unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/1835/0 dated 22 February 1983, termination effective 12 February

1986. Adult Large, Model 803B, cloth covered unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/1836/0 dated 22 February 1983, termination effective 12 February 1986. Adult X-Large, Model 803B, clotn covered unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/1839/0 dated 25 March 1983, termination effective 9 September 1986. Adult Medium, Models FV–2, 180, 181, cloth covered unicellular plastic foam "General Boating Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1840/0 dated 25 March 1983, termination effective 9 September 1986. Adult Large, Models FV–2, 180, 181, cloth covered unicellular plastic foam "General Boating Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1841/0 dated 25 March 1983, termination effective 28 November 1986. Adult X-Large, Models FV–2, 180, 181, cloth covered unicellular plastic foam "General Boating Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1842/0 dated 25 March 1983, termination effective 9 September 1986. Adult Small, Model 380, cloth covered unicellular plastic foam "Ski-Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1843/0 dated 25 March 1983, termination effective 9 September 1986. Adult Medium, Model 380, cloth covered unicellular plastic foam "Ski-Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1844/0 dated 25 March 1983, termination effective 9 September 1986. Adult Large, Model 380, cloth covered unicellular plastic foam "Ski-Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1845/0 dated 25 March 1983, termination effective 9 September 1986. Adult X-Large, Model 380, cloth covered unicellular plastic foam "Ski-Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1846/0 dated 25 March 1983, termination effective 9 September 1986. Adult Small, Model 280, cloth covered unicellular plastic foam "Ski-Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1847/0 dated 25 March 1983, termination effective 9 September 1986. Adult Medium, Model 280, cloth covered unicellular plastic foam "Ski-Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1848/0 dated 25 March 1983, termination effective 9 September 1986. Adult Large, Model 280, cloth covered unicellular plastic foam "Ski-Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1849/0 dated 25 March 1983, termination effective 9 September 1986. Adult X-Large, Model 280, cloth covered unicellular plastic foam "Ski-Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1897/0 dated 6 August 1981, termination effective 19 February 1986. Adult Small, Model AV3S, cloth covered unicellular plastic foam, "General Purpose", approval held by Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602.

160.064/1898/0 dated 6 August 1981, termination effective 19 February 1986. Adult Medium, Model AV3M, cloth covered unicellular plastic foam "General Purpose", approval held by Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602.

160.064/1899/0 dated 6 August 1981, termination effective 19 February 1986. Adult Large, Model AV3L, cloth covered unicellular plastic foam "General Purpose", approval held by Ero Industries, Inc., 189 West Madison Street, Chicago, IL 60602.

160.064/1904/0 dated 1 July 1981, termination effective 22 May 1986. Child, SSV–3010, fabric covered unicellular plastic foam "Buoyant Vest", approval held by Stearns Mfg. Co., P.O. Box 1498, St. Cloud, MN 56301.

160.064/1905/0 dated 1 July 1981, termination effective 22 May 1986. Youth, SSV–3020, fabric covered unicellular plastic foam "Buoyant Vest", approval held by Stearns Mfg. Co., P.O. Box 1498, St. Cloud, MN 56301.

160.064/1906/0 dated 1 July 1981, termination effective 22 May 1986. Adult Universal, SSV–3, fabric covered unicellular plastic foam "Buoyant Vest", approval held by Stearns Mfg. Co., P.O. Box 1498, St. Cloud, MN 56301.

160.064/1910/0 dated 22 February 1983, termination effective 23 August 1985. Child Small, Model 909, cloth covered unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/1911/0 dated 22 February 1983, termination effective 23 August 1985. Youth, Model 909, cloth covered unicellular plastic foam "Buoyant Vest ; approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/1912/0 dated 22 February 1983, termination effective 23 August 1985. Adult Small/Medium, Model 909, cloth covered unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/1913/0 dated 22 February 1983, termination effective 23 August 1985. Adult Large/X-Large, Model 909, cloth covered unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/1955/0 dated 25 March 1983, termination effective 9 September 1986. Adult Universal, Model FV–10, FV–3, FV–14, FV–17, cloth covered unicellular plastic foam "Buoyant Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1956/0 dated 25 March 1983, termination effective 9 September 1986. Adult X-Small, Model FV–11, cloth covered unicellular plastic foam "General Boating Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Geeenville, SC 29604.

160.064/1957/0 dated 25 March 1983, termination effective 9 September 1986. Adult Small/Medium, Model FV–11, cloth covered unicellular plastic foam "General Boating Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Geeenville, SC 29604.

160.064/1958/0 dated 25 March 1983, termination effective 9 September 1986. Adult Large/X-Large, Model FV–11, cloth covered unicellular plastic foam "General Boating Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Geeenville, SC 29604.

160.064/1970/0 dated 25 March 1983, termination effective 9 September 1986. Junior, Model JR–1, cloth covered unicellular plastic foam "General Boating Vest", approval held by Paris Southern Corporation, P.O. Drawer, 9038, Station A, Greenville, SC 29604.

160.064/1973/0 dated 25 March 1983, termination effective 9 September 1986. Adult Small/Medium, Model FV–12, FV–15, cloth covered unicellular plastic foam "General Boating Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1974/0 dated 25 March 1983, termination effective 9 September 1986. Adult Large/X-Large, Model FV–12, FV–15, cloth covered unicellular plastic foam "General Boating Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1975/0 dated 25 March 1983, termination effective 9 September 1986. Adult Universal, Model FV–13, cloth covered unicellular plastic foam "Canoeing and Kayaking Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/1976/0 dated 29 December 1981, termination effective 19 February 1986. Adult Small, Model SKI–S, fabric covered unicellular plastic foam "Ski Vest", approval held by Ero Industries Inc., 189 W. Madison Street, Chicago, IL 60602.

160.064/1977/0 dated 29 December 1981, termination effective 19 February 1986. Adult Medium, Model SKI–M, fabric covered unicellular plastic foam "Ski Veat", approval held by Ero Industries Inc., 189 W. Madison Street, Chicago, IL 60602.

160.064/1978/0 dated 29 December 1981, termination effective 19 February 1986. Adult Large, Model SKI–L, fabric covered unicellular plastic foam "Ski Vest", approval held by Ero Industries Inc., 189 W. Madison Street, Chicago, IL 60602.

160.064/2040/0 dated 16 March 1982, termination effective 19 February 1986. Adult Small, Model SKI–SX, cloth covered unicellular plastic foam "SKI-VEST", approval held by Ero Industries, Inc., 189 West Madison, Chicago, IL 60602.

160.064/2041/0 dated 16 March 1982, termination effective 19 February 1986. Adult Medium, Model SKI–MX, cloth covered unicellular plastic foam "Ski-Vest", approval held by Ero Industries, Inc., 189 West Madison, Chicago, IL 60602.

160.064/2042/0 dated 16 March 1982, termination effective 19 February 1986. Adult Large, Model SKI–LX, cloth covered unicellular plastic foam "Ski-Vest", approval held by Ero Industries, Inc., 189 West Madison, Chicago, IL 60602.

160.064/2044/0 dated 15 March 1982, termination effective 30 May 1986. Adult Small, Model SJV–S, vinyl coated material, unicellular plastic foam Sailing and/or Water Ski Vest", approval held by Fabrionics, P.O. Box 94, Rt. 130, South, Camargo, IL 61919.

160.064/2049/0 dated 31 August 1984, termination effective 20 November 1986. Youth, Model 300, cloth covered unicellular plastic foam "General Boating", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/2050/0 dated 31 August 1984, termination effective 20 November 1986. Adult Small, Model 300, cloth covered unicellular plastic foam "General Boating", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/2051/0 dated 31 August 1984, termination effective 20 November 1986. Adult Medium, Model 300, cloth covered unicellular plastic foam "General Boating", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/2052/0 dated 31 August 1984, termination effective 20 November 1986. Adult Large, Model 300, cloth covered unicellular plastic foam "General Boating", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/2053/0 dated 31 August 1984, termination effective 20 November 1986. Adult X-Large, Model 300, cloth covered unicellular plastic foam "General Boating", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/2109/0 dated 9 February 1983, termination effective 12 February 1986. Adult XX-Large or Magnum, Model 201, 801, 805, 808, and 908, cloth covered unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puente, CA 91746–0009.

160.064/2121/0 dated 20 June 1984, termination effective 19 February 1986. Adult Universal, Model WW–1, WW–1A, cloth covered unicellular plastic foam, "General Purpose", approval held by Ero Industries, Inc., 5940 West Touhy Avenue, Chicago, IL 60648.

160.064/2149/0 dated 7 September 1984, termination effective 23 August 1985. Adult Small/Medium, Models 901, 902, 903, cloth covered unicellular plastic foam, "Buoyant Vest", approval held by America's Cup, Inc., P.O. 2009, La Puenta, CA 91746–0009.

160.064/2150/0 dated 7 September 1984, termination effective 23 August 1985. Adult Large/X-Large, Models 901, 902, 903, cloth covered unicellular plastic foam, "Buoyant Vest", approval held by America's Cup, Inc., P.O. 2009, La Puenta, CA 91746–0009.

160.064/2167/0 dated 12 March 1985, termination effective 9 September 1986. Adult X-Small, Model FV–16, FV–16–10, cloth covered unicellular plastic foam, "Buoyant Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/2168/0 dated 12 March 1985, termination effective 9 September 1986. Adult Small, Model FV–16, FV–16–10, cloth covered unicellular plastic foam, "Buoyant Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/2169/0 dated 12 March 1985, termination effective 9 September 1986. Adult Medium, Model FV–16, FV–16–10, cloth covered unicellular plastic foam, "Buoyant Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/2170/0 dated 12 March 1985, termination effective 9 September 1986. Adult Large, Model FV–16, FV–16–10, cloth covered unicellular plastic foam, "Buoyant Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/2171/1 dated 12 March 1985, termination effective 9 September 1986. Adult X-Large, Model FV–16, FV–16–10, cloth covered unicellular plastic foam, "Buoyant Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/2186/0 dated 21 April 1983, termination effective 13 March 1987. 17" O.D. by 3 thick, Model 207, cloth covered unicellular plastic foam "Buoyant Cushion", approval held by Miltco Products Corporation, 139 Emerson Place, Brooklyn, NY 11205.

160.064/2187/0 dated 19 January 1984, termination effective 13 March 1987. 20", Model 209, cloth covered unicellular plastic foam "Recreational Ring Cushion", approval held by Miltco Products Corporation, 139 Emerson Place, Brooklyn, NY 11205.

160.064/2198/0 dated 20 May 1983, termination effective 13 March 1987. Child Small, Model 450, cloth covered unicellular plastic foam "Water Safety Foam Vest", approval held by Miltco Products Corporation, 139 Emerson Place, Brooklyn, NY 11205.

160.064/2199/0 dated 20 May 1983, termination effective 13 March 1987. Child Medium, Model 451, cloth covered unicellular plastic foam "Water Safety Foam Vest", approval held by Miltco Products Corporation, 139 Emerson Place, Brooklyn, NY 11205.

160.064/2200/0 dated 20 May 1983, termination effective 13 March 1987. Adult Universal, Model 452, cloth covered unicellular plastic foam "Water Safety Foam Vest", approval held by Miltco Products Corporation, 139 Emerson Place, Brooklyn, NY 11205.

160.064/2215/0 dated 1 August 1983, termination effective 9 September 1986. Child Small, Model JR–2, cloth covered, unicellular plastic foam, "General Boating Vest", approval held by "Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/2216/0 dated 1 August 1983, termination effective 9 September 1986. Child Small, Model JR–3, cloth covered, unicellular plastic foam, "General Boating Vest", approval held by "Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/2217/0 dated 1 August 1983, termination effective 9 September 1986. Adult XX-Large, Models FV–3, 180, 181, cloth covered, unicellular plastic foam, "General Boating Vest", approval held by Paris Southern Corporation, P.O. Drawer 9038, Station A, Greenville, SC 29604.

160.064/2231/0 dated 6 March 1984, termination effective 13 March 1987. Tot, Model 100, cloth covered unicellular plastic foam, "General Boating Vest", approval held by Miltco Products Corporation, 139 Emerson Place, Brooklyn, NY 11205.

160.064/2232/0 dated 6 March 1984, termination effective 13 March 1987. Child, Model 101, cloth covered unicellular plastic foam, "General Boating Vest", approval held by Miltco Products Corporation, 139 Emerson Place, Brooklyn, NY 11205.

160.064/2259/0 dated 13 December 1983, termination effective 19 February 1986. Adult Small, Model SKI–SPE, cloth covered unicellular plastic foam "?ki Vest", approval held by Ero Industries, Inc., 5940 W. Touhy Avenue, Chicago, IL 60648.

160.064/2260/0 dated 13 December 1983, termination effective 19 February 1986. Adult Medium, Model SKI–MPE, cloth covered unicellular plastic foam "Ski Vest", approval held by Ero Industries, Inc., 5940 W. Touhy Avenue, Chicago, IL 60648.

160.064/2261/0 dated 13 December 1983, termination effective 19 February 1986. Adult Large, Model SKI–LPE, cloth covered unicellular plastic foam "Ski Vest", approval held by Ero Industries, Inc., 5940 W. Touhy Avenue, Chicago, IL 60648.

160.064/2272/0 dated 7 September 1984, termination effective 23 August 1985. Adult Universal, Models 901, 902, 903, and 906, cloth covered, unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puenta, CA 91746–0009.

160.064/2295/0 dated 29 January 1985, termination effective 12 February 1986. Adult Small, Model 850L and 830L, cloth covered unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puenta, CA 91746–0009.

160.064/2298/0 dated 29 January 1985, termination effective 12 February 1986. Adult Small, Model 850M and 830M, cloth covered unicellular plastic foam "Buoyant Vest", approval held by America's Cup, Inc., P.O. Box 2009, La Puenta, CA 91746–0009.

Automatic Disengaging Device for Liferafts

160.070/1/0 dated 31 May 1978, expired 31 May 1983. Type 3RA 1158, approval held by B. F. Goodrich, Engineered System Company, Union, WV 24983.

Fire Protective Systems

161.002/8/1 dated 19 January 1979, expired 19 January 1984. Models D, FKDS, FKDL, DK, and SKL, approval held by Detex Corporation, 53 Park Place, New York, NY 10007.

Safety Valve (Power Boilers)

162.001/263/0 dated 8 April 1981, expired 8 April 1986. Crosby Style HN–MS–55, approval held by Crosby Valve and Gage Company, 43 Kendrick Street, Wrentham, MA 02093.

162.001/264/0 dated 8 April 1981, expired 8 April 1986. Crosby Style HN–MS–56, approval held by Crosby Valve and Gage Company, 43 Kendrick Street, Wrentham, MA 02093.

162.001/265/0 dated 8 April 1981, expired 8 April 1986. Crosby Style HN–MS–65, approval held by Crosby Valve and Gage Company, 43 Kendrick Street, Wrentham, MA 02093.

162.001/266/0 dated 8 April 1981, expired 8 April 1986. Crosby Style HN–MS–66, approval held by Crosby Valve and Gage Company, 43 Kendrick Street, Wrentham, MA 02093.

162.001/268/0 dated 8 April 1981, expired 8 April 1986. Crosby Style HN–MS–66–9, approval held by Crosby Valve and Gage Company, 43 Kendrick Street, Wrentham, MA 02093.

162.001/269/0 dated 8 April 1981, expired 8 April 1986. Crosby Style HN–MS–55–9, approval held by Crosby Valve and Gage Company, 43 Kendrick Street, Wrentham, MA 02093.

162.001/270/0 dated 8 April 1981, expired 8 April 1986. Crosby Style HN–MS–56–9, approval held by Crosby Valve and Gage Company, 43 Kendrick Street, Wrentham, MA 02093.

Safety Valve (Steam Heating Boilers)

162.012/21/0 dated 8 April 1981, expired 8 April 1986. Type 1511, approval held by Dresser Industrial Valve Operations, P.O. Box 1430, Alexandria, LA 71301.

Water Spray Type Fire Extinguishing Systems

162.036/1/0 dated 2 May 1978, expired 2 May 1983. Akron Foghed Systems, approval held by Axron Brass Company, P.O. Box 86, Wooster, OH 44691.

Backfire Flame Arrester for Gasoline Engines

162.041/99/0 dated 25 January 1977, expired 25 January 1982. Onan Model 145B393, approval held by Onan Corporation, 1400 73rd Avenue, NE., Minneapolis, MN 55432.

162.041/100/0 dated 25 January 1977, expired 25 January 1982. Onan Model 145B393, approval held by Onan Corporation, 1400 73rd Avenue, NE., Minneapolis, MN 55432.

162.041/170/0 dated 2 June 1978, expired 2 June 1983. Kawasaki Model Y73, approval held by Kawasaki Motors Corporation, 1062 McGaw Ave., P.O. Box 11447, Santa Ana, CA 92711.

Oily Water Separators

162.050/1018/0 dated 30 July 1980, expired 30 July 1985. Model SFC 0.5 BW, approval held by Butterworth Systems/SEREP OWS, Butterworth Systems, Inc., 224 Park Ave., P.O. Box 352, Florham Park, NJ 07932.

Cargo Monitors

162.050/5001/0 dated 20 May 1980, expired 20 May 1985. Model 5E, Type OTM 1411C, approval held by Babcock-Bristol, Ltd., 218 Purley Way, Croydon, England.

162.050/5002/0 dated 17 May 1984, termination effective 9 September 1986. Salwico Oil Pollution Monitor, approval held by Salen & Wicander Akriebalag, P.O. Box 1122, S–171 22, Solna, Sweden.

162.050/5003/0 dated 9 January 1985, termination effective 9 September 1986. Model 5E, Type OTM 1411C, approval held by Sasakura Engineering Co., Ltd., 7–5 Mitejima 6-Chome, Nishikyodogawa-Ku, Osaka 555, Japan.

162.050/5004/1 dated 22 May 1985, termination effective 9 September 1986. OILCON MK III, approval held by STC International Marine, INTELCO House, 302 Commonside East, Mitcham, Surrey CR4 lYT, England.

162.050/5005/1 dated 4 December 1985, termination effective 9 September 1986. Facet Mark V Ballast Monitor, approval held by Facet Industrial Division, Facet Enterprises, Inc., P.O. Box 50096, Tulsa, OK 74150–0096.

162.050/5009/0 dated 30 March 1982, termination effective 9 September 1986. Type OTM–17–X tanker deballasting oil content monitor, approval held by Babcock-Bristol, Ltd., 218 Purley Way, Croydon, England.

162.050/5010/0 dated 2 April 1984, termination effective 9 September 1986. Model ODME–S.663, approval held by SERES, Rue Albert Einstein, Z.I. d'Aix-les Miles, les Milles Cedex 13763, France.

Structural Insulation

164.007/31/1 dated 14 May 1980, expired 14 May 1985. Cafco Blaze Shield Type D C/F, approval held by United States Mineral Products Co., Stanhope, NJ 07874.

164.007/46/0 dated 1 December 1981, termination effective 14 April 1986. Thermafiber Felt, approval held by United States Gypsum Co., 1000 East Northwest Highway, Des Plains, IL 60016.

164.007/47/0 dated 14 May 1980, expired 14 May 1985. Cafco Deck-Shield Type D C/F, approval held by United States Mineral Products Co., Stanhope, NJ 07874.

164.007/52/0 dated 14 October 1980, expired 14 October 1985. Type 1780X and Type 1760X, approval held by Holmes Insulations Limited, 561 Scott Rd., P.O. Box 2079, Sarnia, Ontario N7T 7L4, Canada.

Bulkhead Panels

164.008/95/0 dated 5 May 1985, termination effective 9 September 1986. Type 33A, approval held by Isolamin Ecomax, S–95184, Lulea, Sweden.

164.008/100/0 dated 25 September 1980, expired 25 September 1985. Joinlock 200, approval held by Intersystems Design and Technology Corp., 125 Industrial Rd., Summerville, SC 29483.

Non-Combustible Materials

164.009/124/0 dated 7 April 1983, termination effective 14 April 1986. Thermafiber mineral wool panels, approval held by United States Gypsum Co., 1000 East Northwest Highway, Des Plains, IL 60016.

164.009/211/0 dated 13 October 1981, termination effective 9 September 1986. Marine Board K–650, approval held by Nichias Corp., No. 1–26, 1-Chome, Shibadaimon, Minatu-Ku, Tokyo 105, Japan.

164.009/218/0 dated 31 July 1980, expired 31 July 1985. Elevated Temperature Service Board/Marine Board, approval held by Knauf Fiber Glass GmbH, 240 Elizabeth Street, Shelbyville, IN 46176.

164.009/219/0 dated 31 July 1980, expired 31 July 1985. Elevated Temperature Service Pipe/Marine Pipe, approval held by Knauf Fiber Glass GmbH, 240 Elizabeth Street, Shelbyville, IN 46176.

Interior Finish

164.012/40/0 dated 8 November 1984, termination effective 9 September 1986. "Melanitto NVA" and "NP", approval held by Nitto Boseki Co., Ltd., 8–1, Yaesu 2 Chome, Tokyo, Japan.

164.012/51/0 dated 23 July 1981, expired 23 July 1986. Glass cloth and aluminum foil facing, approval held by Jamestown Fiber Glass, Inc., c/o National Distributing Co., Inc., 58 Maple Street, Norwood, NJ 07648.

164.012/52/0 dated 28 August 1981, expired 28 August 1986. Aluminum foil facing, approval held by Jamestown Fiber Glass, Inc., c/o National Distributing Co., Inc., 58 Maple Street, Norwood, NJ 07648.

164.012/53/0 dated 14 December 1981, termination effective 9 September 1986. Fiberglass cloth facing, approval held by Jamestown Fiber Glass, Inc., c/o National Distributing Co., Inc., 58 Maple Street, Norwood, NJ 07648.

Dated: May 6, 1987.

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 87–11045 Filed 5–13–87; 8:45 am]

BILLING CODE 4910–14–M

Federal Railroad Administration

Petitions for Exemption or Waiver; Corinth and Counce Railroad et al.

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that nine railroads have petitioned the Federal Railroad Administration (FRA) for a waiver of compliance with certain provisions of the Hours of Service Act.

Sections 2 and 3a of the Hours of Service Act make it unlawful for a railroad to require or permit (i) employees engaged in or connected with the movement of a train and (ii) employees engaged in installing, repairing, or maintaining signal systems to remain on duty for a period in excess of 12 hours (45 U.S.C. 62, 63a). Section 3 of the Hours of Service Act, which governs operators and dispatchers, establishes a maximum of (i) 9 hours duty in an office employing two or more shifts and (ii) 12 hours duty in an office employing one shift (45 U.S.C. 63). However, the Hours of Service Act contains a provision that permits a railroad which employs not more than 15 employees who are subject to the statute to seek an exemption from the limitations imposed by the statute. 45 U.S.C. 64a(e).

Corinth and Counce Railroad (C&C)

FRA Waiver Petition Docket No. HS–86–30

The C&C seeks this exemption so that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The C&C provides service over 16 miles of track extending from Corinth, Mississippi, to Counce, Tennessee.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Caroline Rail Service, Inc. (CRS)

FRA Waiver Petition Docket No. HS–86–31

The CRS seeks this exemption so that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The CRS provides service over three miles of track at Morehead City, North Carolina.

The CRS states that it is not their intention to employ a train crew over 12 hours per day under normal operating conditions, but that this exemption, if granted, would help their operation if they encountered unusual operating conditions or circumstances.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Chicago and Western Indiana Railroad Company (C&WI)

FRA Waiver Petition Docket No. HS–86–32

The C&WI seeks this exemption so that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The C&WI provides trackage over which various carriers operate in order to interchange freight cars with other carriers in the Chicago Terminal area.

The C&WI does not employ any train or locomotive crews; however, it does employ 12 persons (4 train dispatchers, 6 towermen and 2 signalmen) covered by the Hours of Service Act. The C&WI states that it does not expect the consistent need to work these employees in excess of the present restrictions, but primarily only because of after-hours failures and unanticipated sickness.

The petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Wisconsin and Calumet Railroad (W&C)

FRA Waiver Petition Docket No. HS–86–33

The W&C seeks a continuation of a previously issued exemption so that it

can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The W&C provides service on over 94 miles of track extending from Freeport, Illinois, to Madison, Wisconsin and from Jamesville, Wisconsin, to Monroe, Wisconsin.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Dakota Rail (DR)

FRA Waiver Petition Docket No. HS–86–34

The DR seeks this exemption so that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The DR provides service over 82 miles of track in the States of South Dakota and Minnesota.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Maryland and Delaware Railroad (M&D)

FRA Waiver Petition Docket No. HS–87–1

The M&D seeks a continuation of a previously issued exemption so that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The M&D provides service over 119 miles of trackage on the Delmarva Peninsula, which is located on the eastern shore of States of Delaware, Maryland and Virginia.

The petition indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Winchester and Western Railroad (W&W)

FRA Waiver Petition Docket No. HS–87–2

The W&W seeks a continuation of a previously issued exemption for its Virginia Division and seeks an exemption for its New Jersey Division so that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The W&W provides service on over 18 miles of track in the State of Virginia and over 46 miles of track in the State of New Jersey.

The W&W states that this exemption, if granted, would help their operation if they encountered unusual operating conditions or circumstances.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Hillsdale Country Railway Company (HCRC)

FRA Waiver Petition Docket No. HS–87–3

The HCRC seeks this exemption so that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The HCRC provides service over 84 miles of track extending from Hillsdale, Michigan, to Montpelier, Ohio.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Texas North Western Railway (TNW)

FRA Waiver Petition Docket No. HS–87–4

The TNW seeks this exemption so that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The TNW provides service over 71 miles of track extending form Etter Junction to Bernstein, Texas, from Sheerin Junction to Sheerin, Texas, and from More Junction to Pringle, Texas.

The petitioner indicates that granting the exemption will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in these proceedings submitting written views and comments. FRA has not scheduled a hearing or other opportunity for oral comment since the facts do not appear to warrant it. Communications concerning the proceedings should identify the docket number and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Communications received before June 29, 1987, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours (9 a.m.–5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Issued in Washington, DC, on May 8, 1987.

J.W. Walsh,

Associate Administration for Safety.

[FR Doc. 87–10995 Filed 5–13–87; 8:45 am]

BILLING CODE 4910–06–M

National Highway Traffic Safety Administrations

[Docket No. IP 87–05]

BMW of North America; Receipt of Petition for Determination of Inconsequential Noncompliance

BMW of North America, Inc., BMW Plaza, Montvale, New Jersey, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et sec.), for an apparent noncompliance with 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, and Associated Equipment*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraphs S4.1.1.36(f)(4)(ii) and S4.1.1.38(c) of Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, require that the lens of each upper beam headlamp be permanently marked with the letter "U" and the lens of each replaceable bulb headlamp using HB3 or HB4 light sources, or HBl light sources in conjunction with HB3 or HB4 light sources within a headlamp system on a motor vehicle, permanently display the Type Designation(s) for that standardized replaceable light source on the lens in front of each light source. BMW of North America manufactured 1,400 735i passenger cars from January 10, 1987 to February 17, 1987, that do not comply with the above paragraphs. The lens of each upper beam headlamp was not permanently marked "U" and "HB3" as required by FMVSS No. 108.

BMW considers these noncompliances to be inconsequential as they relate to motor vehicle safety, because:

1. Mechanics will always be able to determine and obtain the correct replaceable bulbs and headlamps, and will install them correctly.

2. BMW replaceable bulb headlamps are vehicle-specific and left/right-specific. These provisions make incorrect positioning of the upper and lower beam headlamps physically impossible.

3. The HB3 bulbs only fit HB3 connectors and only HB3 bulbs fit into BMW upper beam headlamps. Also, the wires to the upper beam bulb are too short to reach the lower beam headlamp.

4. In view of low importation and lamp production, reduced by vehicle-specificity and left/right specificity, the small number of headlamps involved is likely to keep the BMW headlamp proprietary. BMW believes there will be no confusion regarding headlamp or bulb availability, identification or installation position.

5. FMVSS No. 108 does not require lenses or replaceable bulb headlamps using only HBl bulbs to be so marked. BMW believes the BMW upper beam headlamps and their HB3 bulbs will be as easy to use as the HBl bulbs and headlamps.

Interested persons are invited to submit written data, views and arguments on the petition of BMW of North America, Inc. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: June 15, 1987.

(Sec.102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: May 8, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87-10999 Filed 5-13-87; 8:45 am]

BILLING CODE 4910-59-M

Establishment of the Motor Vehicle Research Advisory Committee

Notice is hereby given of the establishment of the Motor Vehicle Safety Research Advisory Committee. The purpose of the Committee is to provide a forum for the development, consideration and communication of motor vehicle safety research except: (1) Those projects which were part of the Coordinated Research Program and the subject of the settlement agreement in *Claybrook v. National Highway Traffic Safety Administration,* including (i) Side impact test procedure development; (ii) steering assembly test procedure development; and (iii) biomechanics research performed by Task Force 3; and (2) any matter that is specifically the subject of an open rulemaking. The Committee will provide information, advice and recommendations to the Administrator, National Highway Traffic Safety Administration (NHTSA) on matters relating to motor vehicle safety research with the exception of those noted above.

The formation and use of the Committee is determined to be in the public interest in connection with the performance of duties imposed on NHTSA by law.

The Charter of the Committee is set forth below:

Charter: Motor Vehicle Safety Research Advisory Committee

I. Purpose

This Charter establishes the Motor Vehicle Safety Research Advisory Committee (MVSRAC) and provides for its operation in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2 (the FACA), Federal regulation 49 CFR Part 95 and Department of Transportation Order 11120.3A.

II. Sponsor And Office Providing Support Services

The National Highway Traffic Safety Administration (NHTSA) will be the MVSRAC sponsor. Support services will be provided by the Office of the Associate Administrator for Research and Development and by the Executive Secretariat, NHTSA.

III. Scope

(a) The MVSRAC provides information, advice and recommendations to the Administration on matters relating to motor vehicle safety research, except: (1) Those projects which were part of the Coordinated Research Program and the subject of the settlement agreement in *Claybrook v. National Highway Traffic Safety Administration,* including: (i) Side impact test procedure development; (ii) steering assembly test procedure development; and (iii) biomechanics research performed by Task Force 3; and (2) any matter that is specifically the subject of an open rulemaking proceeding.

(b) The MVSRAC provides a forum for the development, consideration and communication of motor vehicle safety research, except in the areas specifically included in III(a), from a knowledgeable, independent perspective.

(c) The MVSRAC does not exercise program management responsibility or make decisions directly affecting the programs on which it provides advice.

IV. Objectives and Duties

Consistent with the scope of the activities described in paragraph III, the MVSRAC is authorized to:

(a) Review the current and planned motor vehicle safety research projects of the organizations represented by the members;

(b) Recommend research approaches and indicate the most efficient means to pursue such approaches;

(c) Review the progress of any research conducted pursuant to its recommendations; and

(d) Reort to the Administrator, NHTSA, on such vehicle safety research topics as the Administrator requests or the MVSRAC deems appropriate.

V. Membership

(a) In general: (1) the MVSRAC shall be composed of fifteen members, two non-voting members from the Department of Transportation and thirteen voting members from outside the Federal Government. Each member shall be appointed by the Secretary of Transportation after consultation with public and private organizations that have an established expertise in vehicle safety research. These organizations will recommend for membership those individuals who best represent their concerns. (2) Appointment shall be for a three year term, except that for the initial appointment of members, one-third shall be appointed for a one year term, one-third shall be appointed for a two year term, and one-third shall be appointed for a full three year term. A member may be reappointed at the expiration of his or her term and may continue to serve pending reappointment or until a successor is named. (3) A member may designate an alternate, representing the same interest as the member, to attend MVSRAC meetings and activities. The designation must be in writing and with the approval

of the MVSRAC Chairperson. (4) The membership wil be fairly balanced in terms of the points of view represented.

(b) Voting members: (1) Voting members shall be appointed by the Secretary from the public and private organizations that have an established expertise in vehicle safety research. (2) A voting member serves in a representative capacity and is not considered a "Special Government Employee" as defined in 18 U.S.C. § 202.

(c) Non-voting members: When a non-voting member speaks for or represents the Department, the non-voting member shall obtain coordination, review and approval from appropriate officials to ensure that such representation accurately reflects the position of the Department.

VI. Officers

The Chairperson and each Subcommittee chair shall be appointed by the Administrator, NHTSA. The Chairperson shall designate the Secretary for the MVSRAC and the Secretary of each subcommittee established.

VII. Committee Structure

The Chairperson may establish continuing subcommittees, short-term subcommittees and/or task forces as deemed necessary.

VIII. Meeting

(a) The MVSRAC and each subcommittee or task force shall meet not less than once a year, at the call of the MVSRAC Chairperson. Agendas will be reviewed and approved by the MVSRAC Chairperson.

(b) Each committee and subcommittee meetings shall be open to the public. A notice of each meeting shall be published in the **Federal Register** at least fifteen days in advance of the meeting. Shorter notice is permissible in cases of emergency, but the reason for the emergency must be reported in the notice.

(c) Detailed minutes of each meeting shall be kept and their accuracy certified to by the MVSRAC Chairperson. The minutes shall include the time and place of the meeting, a record of the persons present, a complete summary of matters discussed and conclusions reached and copies of all reports received, issued or approved by the committee or subcommittee.

IX. Compensation for Non-Government Members

Non-government members serve without compensation and will not be reimbursed for expenses.

X. Estimated Annual Cost to the Government

The Government does not expect to incur additional costs as a result of the Committee. Travel costs for each member will be borne by the organizations represented. However, the time of government members, their travel costs and other miscellaneous costs are listed below: Travel: $2,500; Salaries: $3,500 to $6,500; Misc.: $1,000; Staff Years: 1/5.

The total estimated annual cost is $7,000 to $10,000. No government staff positions are being allocated to the Committee on a full time basis.

XI. Public Interest

The formation and use of the MVSRAC is determined to be in the public interest in connection with the performance of duties imposed on NHTSA by law.

XII. Effective Date

This charter is effective 15 days after publication in the **Federal Register**, and terminates two years after this date unless, prior to that time, it is extended in accordance with the FACA and other applicable requirements.

Additional information may be obtained from the NHTSA Executive Secretariat, Room 5221, 400 Seventh Street SW., Washington, DC 20590, telephone 202–366–2870.

Sharon Goldstein,

Director, Executive Secretariat.

[FR Doc. 87–11067 Filed 5–13–87; 8:45 am]

BILLING CODE 4910–59–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 93
Thursday, May 14, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, May 20, 1987.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, MD.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. FY '89 Priorities

The Commission will consider priorities for fiscal year 1989.

2. FY '89 Planning Issues

The staff will brief the Commission on fiscal year 1989 planning issues.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, MD. 20207 301–492–6800.

May 12, 1987.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 87–11104 Filed 5–13–87; 11.38 am]

BILLING CODE 6355-01-M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, May 21, 1987.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: *Closed to the Public.*

MATTERS TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on a Compliance Status Report.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

May 12, 1987.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 87–11105 Filed 5–12–87; 11:38 am]

BILLING CODE 6355-01-M

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting Thursday May 14, 1987

May 7, 1987.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, May 14, 1987, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Agenda, Item No., and Subject

General—1—Title: In the Matter of Petition for Reconsideration of *Second Report and Order* in "Underbrush" Proceeding (MM Docket 83–842). Summary: The Commission will consider whether to adopt a Memorandum Opinion and Order on Reconsideration of the *Second Report and Order* in this proceeding adopted on March 13, 1986.

Common Carrier—1—Title: In the Matter of Regulation of Small Telephone Companies, CC Docket No. 86–467. Summary: The Commission will consider adoption of a Report and Order concerning tariff filing requirements that apply to small telephone companies.

Common Carrier—2—Title: Amendment of Part I of the Commission's Rules to Revise Certain Hearing Procedures for Selection of Common Carrier Licensees. Summary: The Commission will consider revising its hearing procedures for common carrier applicants selected by lottery.

Mass Media—1—Title: Amendment of Parts 15 and 76 Relating to Terminal Devices Connected to Cable Television Systems. Summary: The Commission will consider a Report and Order concerning technical standards applicable to converters, decoders and other terminal devices intended for connection to cable systems.

Mass Media—2—Title: Notice of Inquiry to Reexamine the Commission's Cross-Interest Policy. Summary: The Commission will consider whether to issue a Notice of Inquiry concerning the Cross-Interest Policy.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Sarah Lawrence, FCC Office of Congressional and Public Affairs. Telephone number (202) 632–5050.

Issued: May 7, 1987.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–11102 Filed 5–12–87; 11:38 am]

BILLING CODE 6712-01-M

FEDERAL ELECTION COMMISSION

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, May 14, 1987, 10:00 a.m.

CHANGE IN MEETING: The open meeting scheduled for this date was cancelled.

* * * * *

DATE AND TIME: Tuesday, May 19, 1987, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, May 21, 1987, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.
Correction and Approval of Minutes.
Eligibility Report for Candidates to Receive Presidential Primary Matching Funds.
Public Financing of Presidential Candidates: Explanation and Justification of Final Rules.
Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202–376–3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 87–11146 Filed 5–12–87; 2:30 pm]

BILLING CODE 6715-01-M

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m., May 20, 1987.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, DC 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Docket No. 81-11—"50-Mile Container Rules" Implementation by Ocean Common Carriers Serving U.S. Atlantic and Gulf Coast Ports—Possible Violations of the Shipping Act, 1916—Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523-5725.

Joseph C. Polking,

Secretary.

[FR Doc. 87-11087 Filed 5-12-87; 10:04 am]

BILLING CODE 6730-01-M

STATE JUSTICE INSTITUTE

TIME AND DATE:

9:00 to 5:00, May 21, 1987
9:00 to 5:00, May 22, 1987

PLACE: State Justice Institute, 120 South Fairfax Street, Alexandria, Virginia 22314.

STATUS: The meeting will be closed from 9:00 a.m. until 11:00 a.m. both days to discuss matters exempted from public discussion, pursuant to 5 U.S.C. 552b(c).

MATTERS TO BE CONSIDERED:

Portions Open to the Public

Consideration of concept papers submitted for Institute funding.

Portions Closed to the Public

Discussion of internal personnel practices and procedures.

CONTACT PERSON FOR MORE INFORMATION: David I. Tevelin, Executive Director, State Justice Institute, 120 South Fairfax Street, Alexandria, Virginia, 22314 (703) 684-6100.

David I. Tevelin,

Executive Director.

[FR Doc. 87-11159 Filed 5-12-87; 3:50 pm]

BILLING CODE 6820-SC-M

Corrections

Federal Register
Vol. 52, No. 93
Thursday, May 14, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-020-07-4212-13; I-22682]

Realty Action; Exchange of Public and Private Lands in Cassia County, ID

Correction

In notice document 87-9312 appearing on page 13761 in the issue of Friday, April 24, 1987, make the following corrections:

1. The docket number in the heading should read as set forth above.

2. In the second column, in the **SUMMARY**, in the 14th line, "SE¼NE, E½SE¼" should read "SE¼NE¼, E½SE¼".

3. In the third column, the FR Doc. number should read "FR Doc. 87-9312".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 87-66]

Customs Regulations; Amendment Relating to Changes in the Customs Service Preclearance Offices in Foreign Countries

Correction

In rule document 87-10148 beginning on page 16373 in the issue of Tuesday, May 5, 1987, make the following correction on that page:

In the third column, under **EFFECTIVE DATE**, on the third line, "January 28, 1987" should read "January 18, 1987".

BILLING CODE 1505-01-D

federal register

Thursday
May 14, 1987

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Housing Development Grant Program; Invitation, for Applications; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-87-1695; FR-2337]

Housing Development Grant Program; Invitation for Applications

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Invitation for applications.

SUMMARY: This Notice invites any unit of general local government, including cities, counties, towns or townships, parishes, villages, or other general purposes political subdivisions of a State, and any State acting on behalf, and with the concurrence, of units of general local government, to submit applications for grants under HUD's Housing Development Grant Program. The Grant funds awarded under the program will be used to support the construction or substantial rehabilitation of residential rental, cooperative or mutual housing in which at least 20 percent of the units will be occupied by lower income families for a minimum of 20 years. Manufactured home parks and manufactured homes are not eligible for this program.

Applicants that responded to the June 20, 1984, February 13, 1985, or June 5, 1986 Invitation for Applications must reapply to be considered for funding. A revised or a new proposal may be submitted that is consistent with the guidance provided in this Invitation for Applications, the revised (May 1987) Application Packet and the List of Designated Eligible Areas published in the **Federal Register** of April 1, 1987. Neither Fiscal Year 1987 funds, nor recaptured or cancelled funds from previously awarded grants will be set aside to fund projects that were submitted in response to previous Invitations for Applications.

EFFECTIVE DATE: May 14, 1987.

FOR FURTHER INFORMATION CONTACT: Jessica Franklin, Director, Housing Development Grant Division, Room 6110, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Telephone (202) 755-6142 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The statutory authority for the Housing Development Grant Program is provided by section 17 of the U.S. Housing Act of 1937. Section 17 was added to the U.S. Housing Act of 1937 by section 301 of the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98-181) which was enacted on November 30, 1983. On June 14, 1984, HUD published implementing regulations for the new program in a new 24 CFR Part 850 (see 49 FR 24634).

Program Funds

HUD has been authorized to provide $99,550,000 in Housing Development Grant funds during Fiscal Year 1987. Funds recaptured from projects awarded in previous years may be added to this new authorization. An estimate of these funds is not available at this time. HUD estimates that authorized Fiscal Year 1987 funds will be adequate to support applications for approximately 5,500 units of rental, cooperative, or mutual housing.

Nature of and Limits on Program Assistance

Under the Housing Development Grant Program, HUD provides grants to units of general local government, including cities, counties, towns, townships, parishes, villages, or any other general purpose political subdivision of a State, and to States acting on behalf, and with the concurrence, or units general local government. These grantees, in turn, may use the grant funds to provide either grants or loans that may be applied toward interest reduction payments, rental assistance payments, or other forms of assistance to promote the construction or substantial rehabilitation of residential rental, cooperative or mutual housing. The maximum grant that may be approved for a project is limited to an amount sufficient to produce decent rental housing of modest design that is affordable by families and individuals without other reasonable and affordable housing alternatives in the private market. Grant assistance may not exceed 50 percent of the total costs associated with the rehabilitation or construction of the project, normally excluding the cost of acquisition, debt service and operating deficit reserves, working capital, sponsor profit and risk allowance, and relocation costs in excess of an amount that HUD determines to be reasonable. Under certain limited circumstances, HUD may permit the cost of acquisition to be included in the base amount to which the 50 percent limitation is applied. The program regulations and the application packet to be distributed to prospective applicants provide guidance on the circumstances under which the inclusion of acquisition costs may be permitted.

Eligible Applicants/Grants

Any unit of general local government, or any State, acting on behalf, and with the concurrence, of units of general local government is eligible to apply for and receive grant assistance under the Housing Development Grant Program. For purposes of qualifying as an eligible applicant under this program, the term "unit of general local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; any Indian Tribe as defined in section 102(a)(17) of the Housing and Community Development Act of 1974; and the District of Columbia, Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States. Entities that qualify as "States" include each of the several States and the Commonwealth of Puerto Rico. Applications from "State" applicants must be signed by the Governor. Applications from units of local government must be signed by the Chief Executive Officer of the unit of local government. Housing Finance Agencies are not eligible to apply, but they may administer a HDG project pursuant to a delegation agreement with an applicant/grantee.

Previously Submitted Applications

Applications submitted under this program in response to the June 20, 1984, February 13, 1985, or June 5, 1986, Invitation for Applications will not be considered for funding. A revised or a new proposal may be submitted which is consistent with the guidance provided in this Invitation for Applications, the revised (May, 1987) Application Packet, and the List of Designated Eligible Areas published in the **Federal Register** of April 1, 1987 (52 FR 10442). Neither Fiscal Year 1987 funds nor recaptured or cancelled funds from previously awarded grants will be set aside to fund projects which were submitted in response to previous Invitations for Applications.

Eligible Types of Applications

There are three types of applications eligible for submission under this program:

(1) *Eligible Area Application*—This is an application for a project located in an area determined by HUD, on the basis of statutorily prescribed factors, to be experiencing a severe shortage of decent rental housing opportunities for families and individuals without other reasonable and affordable alternatives in the private market. Additional

statutorily prescribed factors included in the 1986 Continuing Resolution on Appropriations require that an eligible area have both an overall rental vacancy rate and a duration of vacancy rate (i.e., units vacant more than two months) that are less than the national average rates. (HUD's list of designated eligible areas was published in a Notice in the **Federal Register** of April 1, 1987 (52 FR 10442). That Notice also explains the derivation of the national rates.)

(2) *Special Housing Need Application.*—This is an application for a project that is not located in a designated eligible area, but is intended to meet a special housing need that cannot be met through the moderate rehabilitation of housing stock located in the project neighborhood. A special housing need application must address either a special renter group need (e.g., need for housing to accommodate large families); or a special need resulting from rapid population growth or dislocation, provided the current rental vacancy rate is 7 percent or below. See 24 CFR 850.15(a) and (b).

(3) *Neighborhood Preservation Purpose Application*—This is an application for a project that is not located in a designated eligible area, but is intended to advance a particular neighborhood preservation purpose that cannot be advanced through rehabilitation of housing stock located in the project neighborhood. The proposed project must be located in a neighborhood preservation area in which concentrated housing, physical development, and public service activities are being carried out in a coordinated manner pursuant to a locally developed strategy for neighborhood improvement, conservation, or preservation. See 24 CFR 850.15(c).

Project Eligibility

To be eligible for assistance under the Housing Development Grant Program, a project must involve new construction or substantial rehabilitation. For purposes of this program, "substantial rehabilitation" is defined as repairs, replacements, and improvements (a) the cost of which exceeds the greater of 15 percent of the property's value after rehabilitation or $6,500 per dwelling unit (adjusted by an appropriate supportable local high cost factor), or (b) that entail the replacement of more than one major building component (e.g., roof structure; ceiling, wall or floor structures; plumbing system; or electrical system).

Manufactured home parks and manufactured (mobile) homes are not eligible for the program. For the purpose of this program, "Manufactured Home Parks" are defined as rental communities of single-family manufactured (mobile) homes, where the occupants either own their manufactured home and rent the site on which the home is placed, or where both the home and the site are rented. For the purpose of this program, "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air condition, and electrical systems contained in the structure.

Projects must be designed primarily for residential rental use that is nontransient and that does not contain special purpose space (e.g., medical facilities) requiring specialized features which increase the cost of construction. Generally, not more than 10 percent of the gross floor area of a project may be utilized for commercial purposes. HUD may approve commercial space of up to 20 percent of the gross floor area if special conditions warrant exceeding the 10 percent limit. (This restriction applies to all functionally related facilities on the project site notwithstanding that the commercial space may be separated from the residential units by condominium ownership.) Cooperative and mutual housing projects are eligible under this program, but must be controlled to assure the continued availability and affordability of at least 20 percent of the units to lower income households. For a project with two or more sites, the sites must be located within the same neighborhood and within a three block radius of each other. Further, each site must contain both lower income and market rate units.

The lower income units must be of the same construction type, but need not contain the same amount of floor space or interior amenities as the market rate units. The exterior of the lower income units must be indistinguishable from the exterior of the market rate units. The estimated value of a project after construction or substantial rehabilitation may not exceed the amount of a mortgage that could be insured for the project under section 207 of the National Housing Act based on the sum of the statutory per-unit limits adjusted by the appropriate supportable local high-cost factor and an allowance determined by HUD for costs not attributable to dwelling use (including costs for commercial space).

Projects currently assisted (or for which assistance is anticipated) under any other Federal housing assistance program, e.g., UDAG, Section 312, FmHA, or that were formerly owned or held by HUD, are ineligible for assistance under this program.

Minimum and Maximum Project Size Limitations

Applications may not be submitted in response to this Invitation for Applications for projects containing fewer than 20 or more than 200 dwelling units.

Applicability of Gautreaux Consent Decree

Applications for projects to be developed within the Chicago, Illinois SMSA must comply with all applicable requirements of the *Gautreaux* consent decree. For further information on such requirements, prospective applicants should contact the HUD Chicago Regional Office (Attention: Ms. Mary Anderson) by calling (312) 353–5067. (This is not a toll-free number.)

Other Program Requirements

The following are additional requirements of the Housing Development Grant Program that are not mentioned elsewhere in this Notice:

(1) *Lower Income Units.* At least 20 percent of the units in any project assisted under the Housing Development Grant Program must be occupied, or available for occupany, by lower income households (i.e., families or individuals whose incomes do not exceed 80 percent of the area median income, with adjustments determined by HUD) during the period beginning when the project is initially available for occupany and ending 20 years from the date on which 50 percent of the project units are first occupied. Owners must reexamine the income of each household occupaying a lower income unit at least once a year.

(2) *Lower Income Unit Rents.* Rents (including utilities) charged for the units designated for lower income occupany may not exceed 30 percent of the adjusted income for a family whose income equals 50 percent of the area median income, as determined by HUD, with adjustments for smaller and larger families. HUD will provide the median income data and standard income adjustments to be used by owners in establishing the maximum rents for lower income units.

(3) *Restriction on Conversions.* During the 20 year period starting when the project is initially available for occupany, or during the Project Term, as defined in the HUD/Grantee Grant Agreement, whichever is longer, owners may not convert units to condominium

ownership or any form of cooperative ownership which would be ineligible for assistance under the Housing Development Grant Program.

(4) *Marketing and Tenant Selection.* In renting units, owners may not discriminate against prospective tenants because of their eligibility for, or receipt of, housing assistance under any Federal State, or local housing assistance program, or because they have children (unless the units in a project are designated for occupany only by the elderly). An owner must have a HUD-approved Affirmative Fair Housing Marketing Plan and must carry out all marketing activities in accordance with HUD's Affirmative Fair Housing Marketing Regulations at 24 CFR Part 200, Subpart M.

(5) *Displacement/Relocation.* A project may not be assisted under the Housing Development Grant Program if its development will cause the involuntary displacement of very low-income households from the project site by households which are not very low-income. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and HUD's implementing regulations (24 CFR Part 42) apply to any displacement resulting from acquisition by a State agency, as defiend in 24 CFR 42.85. The revised Uniform Relocation Act regulations took effect on May 1, 1986. See 51 FR 7010, February 27, 1986. In any case where there will be project-related displacement or relocation and the Uniform Act is not applicable, the following requirements apply:

(a) The applicant (grantee) must have a written tenant assistance policy;

(b) No tenant may be required to move *permanently* unless provided adequate advance written notice and appropriate advisory services;

(c) Lower income tenants required to move permanently must receive adequate advance notice, appropriate advisory services, and financial assistance sufficient to obtain decent, safe, sanitary, and affordable replacement housing in accordance with HUD policy;

(d) Lower income tenants required to move *temporarily* must be provided with decent, safe, and sanitary temporary housing; financial assitance to cover reasonable moving expenses and any increase in monthly costs during the temporary relocation period; and for each household an opportunity to occupy a unit in the newly constructed or substantially rehabilitated project at rent levels not to exceed the Total Tenant Payment as determiend by 24 CFR 813.107(a).

(6) *Construction and Design Standards.* The HUD Multifamily Minimum Property Standards will not apply to projects under the Housing Development Grant Program unless they are FHA-insured. All projects must, however, meet applicable State and local building codes.

(7) *Environmental Standards.* Projects are subject to section 104(f) of the Housing and Community Development Act of 1974; the National Environmental Policy Act of 1969; and HUD's implementing regulations at 24 CFR Part 58. Under this program, the applicant/grantee, not HUD, is responsible for performing an environmental assessment of the proposed project as necessary, in accordance with the requirements of 24 CFR Part 58. Certifications of compliance must be submitted with the application.

(8) *Labor Standards.* All HDG Projects are subject to the prevailing wage requirements of the Davis-Bacon Act and the provisions of the Contract Work Hours and Safety Standards Act. (These Acts apply since the minimum HDG project size is 20 units and by their terms these Acts apply to projects consisting of 12 or more units.)

(9) *HAP Consistency.* A proposed project must be consistent, at the time of submission of an application, with any applicable local Housing Assistance Plan approved by HUD. If a HAP amendment is required, such amendment must be filed with the local HUD Office before the application submission deadline date.

(10) *OMB Circulars.* The policies, guidelines and requirement of OMB Circulars A–102 Revised (Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments); A–122 (Cost Principles for Non-profit Organizations); A–87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments); and 24 CFR Part 44 implementing A–128 (Single Audit Act) apply to this program.

(11) *Intergovernmental Review.* The provisions of Executive Order 12372 and HUD's implementing regulations at 24 CFR Part 52 apply to this program. Applicants are required to submit applications directly to the reviewing body.

(12) *Debarred, Suspended, or Ineligible Contractors.* HUD's regulations at 24 CFR Part 24 relating to the use of debarred, suspended, or ineligible contractors or subcontractors apply to this program. Grantees will be responsible for assuring that such contractors or subcontractors are not used for projects assisted under this program during any period of debarment, suspension, or placement in ineligibility status.

(13) *Flood Insurance.* No site proposed for a project to be assisted under this program may be located in an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless the community in which the area is situated is participating in the National Flood Insurance Program, or less than a year has passed since FEMA notification regarding such hazards, and the applicant (grantee) can provide assurance that flood insurance on the structure will be obtained in compliance with section 102(a) of the Flood Disaster Protection Act of 1973.

(14) *Nondiscrimination and Equal Opportunity.* Grantees and owners must comply with the requirements of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601–19 (Pub. L. 90–284) and the implementing regulations; Executive Order 11063 and the implementing regulations at 24 CFR Part 107; and Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) and the implemening regulations at 24 CFR Part 1. Under Title VI and 24 CFR Part 1, no determination regarding the selection of a site or location of a Federally assisted project may be made with the purpose or effect of excluding individuals from, or denying them the benefits of, or subjecting them to discrimination on the basis of race, color, or nation origin, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or 24 CFR Part 1. Grantees and owners must also comply with prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and the prohibitions on discrimination against handicapped individuals under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794): the requirements of Executive Order 11246 and the regulations issued thereunder at 41 CFR Chapter 60; and the requirements of section 3 of the Housing and Urban Development Act of 1968.

(15) *Minority and Women's Business Enterprise Opportunity.* The grantee and owner must prepare, implement, and maintain a development plan for minority- and women-owned businesses that must contain specific and measurable goals and an affirmative strategy to promote awareness and participation by such businesses in the contracting and procurement activities generated by the project.

(16) *Administrative Costs.* Grant funds may not be used for

administrative costs incurred by an applicant/grantee in carrying out its responsibilities under the Housing Development Grant Program. Such administrative costs include, but are not limited to, staff and consultant salaries and operating expenses of the applicant/grantee. Program Income (24 CFR 850.71), however, may be used to support operating expenses incurred by the grantee.

(17) *Construction Start Deadline.* Project construction or rehabilitation must commence within 24 months of HUD's notice of application selection.

(18) *Owner-Grantee Agreement.* The owner and grantee must enter into an Agreement requiring the owner to comply with certain statutory and regulatory restrictions (e.g., items (1), (2), and (3) above). The grantee will be responsible for assuring that the owner complies with the Agreement even if the grantee delegates responsibility for administration of the project to another entity. Any Housing Development Grant Assistance provided to the owner will constitute a debt payable in the event of failure to comply with the Agreement. In the event of an uncorrected violation, the owner will be required to pay the grantee an amount equal to the total amount of the grant assistance (plus interest thereon at a rate determined by HUD based on the Federal Government's borrowing rate) less 10 percent for each year in excess of 10 years from the effective date of the agreement. The owner's contingent debt must be secured by a security instrument (e.g., a lien against the property). The owner(s) and lender(s) must agree that the requirements of 24 CFR 850.151(b), (c), (d) and (e) will be imposed as covenants running with land or deed restrictions with which they will comply for the Project Term, as defined in the Grant Agreement.

Application Submission Requirements

The application submission requirements are described in general terms in § 850.33 of the program regulations. The Application Packet that HUD will make available to prospective applicants will describe in much greater detail the required contents of an application and will contain detailed guidance to assist applicants in preparing acceptable applications.

HUD Review and Selection of Applications

Applications will be reviewed both by HUD Headquarters and by HUD Field Offices. Field Offices will be responsible for making review comments and recommendations, but all selections will be made by Headquarters. HUD may request clarification of information in the application after the deadline for submission has passed. Where there is no documentation or the documentation provided is clearly insufficient to make an appropriate determination with respect to the application, the application may be rejected.

To be considered eligible for ranking and possible selection, an application must meet all threshold requirements. The threshold requirements are specified in the program regulations at 24 CFR 850.37.

HUD will rate and rank applications on the basis of the following factors (the maximum number of points to be awarded for each factor is shown in parentheses):

(1) *Shortage of decent affordable housing (28 points).* HUD will consider two separate elements under this factor. More favorable consideration will be given to projects that are located in areas with (a) lower rental vacancy rates in the jurisdiction as a whole and (b) in all lower income census tracts in the jurisdiction (or where requested in the application and approved by HUD, in the market area).

(2) *Leveraging ratios (20 points).* HUD will consider two separate elements under this factor. More favorable consideration will be given to projects with (a) higher project leveraging ratios (i.e., total private and non-Federal public financial resources committed to the project divided by the requested grant amount) and (b) higher private project leveraging ratios (i.e., total private financial resources committed to the project divided by the requested grant amount).

(3) *Neighborhood development and mitigation of displacement (2 points).* HUD will consider two separate elements under this factor. More favorable consideration will be given to those projects that (a) have a more favorable effect on neighborhood development and (b) cause no displacement or provide for effective mitigation of displacement.

(4) *Demonstrated performance and capacity (2 points).* HUD will consider the applicant's record of performance in meeting its assisted housing needs and the applicant's capacity to commence and carry out the project in a timely manner. More favorable consideration will be given to those with the better record of performance in meeting annual and three-year Housing Assistance Plan goals and administering programs of federally assisted housing.

(5) *Efficient use of grant funds (10 points).* HUD will consider the extent to which the housing development grant requested will provide the maximum number of units for the least cost to the Federal government. More favorable consideration will be given to projects with the better performance in achieving this result, and where the grant is to be repaid to the Grantee under conditions specified in the Application Packet. HUD has developed least cost ratios to account for differences in unit size (number of bedrooms), types of tenants being served, financing alternatives, construction costs, and project type.

(6) *Rent affordability (3 points).* HUD will consider two elements under this factor. More favorable consideration will be given to projects that provide a more effective mechanism for assuring that rents for lower income units meet the rent requirements of § 850.151(e) of the program regulations, and that provide the greater amount of assistance, if any, to assure that rents are affordable for very low-income households.

(7) *Financial feasibility (10 points).* All projects must present adequate documentation of firm financial commitments for a minimum of 20 years. The strength of these commitments, e.g., the level of documentation and the absence of unacceptable qualifying conditions, will determine the points earned in this subcategory. Another subcategory of determination will be based upon project rents, costs, and expenses. Projects will be rated as to (a) feasibility of rents, reasonableness of costs and expenses and (b) financial feasibility for the Project Term.

(8) *Family housing (15 points).* More favorable consideration will be given to projects that provide the greater number of units for families and for large families with children. Assisted units with an average of three bedrooms or more and projects with the highest overall average bedroom size greater than two will receive the maximum points.

(9) *Minority and women's business enterprise (5 points).* Points will be awarded to applications that include a certification that controlling project ownership will be vested in, and exercised by, minority persons or women.

(10) *Promoting nondiscrimination and equal opportunity (5 points).* HUD will take into account the present pattern of assisted housing location and occupancy. Favorable consideration will be given to projects that are located (a) outside areas of minority concentration where the current pattern shows most assisted projects in minority areas, or (b) in areas where there is no other assisted housing, or (c) in areas undergoing revitalization through public

or private investment and in which rental opportunities for lower income households are declining.

Priority Projects/Bonus Points

In making selections, HUD will give priority (up to 15 bonus points) to projects located in areas where waiting lists for housing assistance are relatively long and where section 8 certificate-holders require an excessive length of time to find housing, provided that more than 25 percent of the units will be made available for occupancy by lower-income families.

More specific information on how HUD will rate applications on the selection criteria and apply selection priority will be provided to prospective applicants in the Application Packet.

Where to Obtain Application Packets

Beginning on May 18, 1987, Application Packets containing all required application forms and exhibits, detailed application instructions, and pertinent program guidance may be obtained from the HUD Field Offices listed in Appendix A of this Notice. Each prospective applicant should obtain and carefully review an application packet before attempting to prepare an application for submission to HUD.

Deadline for Submission of Applications

The deadline for application submission is close of business on July 7, 1987, for both Headquarters and the local HUD Office covering the jurisdiction in which the project is located. Only applications received in both places before the deadline will be eligible for consideration. Close of business for Headquarters in Washington, DC is 5:15 p.m. EDT. The addresses, locations and telephone numbers of each local HUD Office are included in Appendix A of this publication. Information on the time of official close of business for local HUD Offices should be obtained directly from the respective HUD Offices.

Announcements and Awards

Grant awards will be announced no later than September 30, 1987. Projects that are not selected will receive written notification.

Other Information

A Finding of No Significant Impact with respect to the environment has been made in accordance with HuD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, at the above address.

(The collection of information requirements referenced in this notice have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 86-511) and have been assigned OMB control number 2502-0323)

(The Catalog of Federal Domestic Assistance program number for this program is 14.174)

Authority: Sec. 17(d), United States Housing Act of 1937 (42 U.S.C. 1437(o)); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: May 5, 1987

Thomas T. Demery,

Assistant Secretary for Housing—Federal Housing Commissioner.

Appendix A—HUD Offices

Region I

Boston Regional Offical

Boston Federal Office Building, 10 Causeway Street, Room 375, Boston, MA 02222-1092, (617) 565-5234

Hartford Office

330 Main Street, Hartford, CT 06103, 2943 Hartford, CT 06106-2943, (203) 722-3638

Manchester Office

Norris Cotton Federal Building, 275 Chesnut Street, Manchester, NH 03101-2487, (603) 666-7681

Providence Office

John O. Pastore Federal Building and U.S. Post Office-Kennedy Plaza Room 330, Providence, RI 02903, (401) 528-5351

Region II

New York Regional Office

26 Federal Plaza, Rm. 32130, New York, NY 10278-0068, (212) 264-8053

Buffalo Office

Statler Building Mezzanine, 107 Delaware Avenue, Buffalo, NY 14202-2986, (716) 846-5755

Caribbean Office

Federico Degetau Federal Building, U.S., Courthouse, Room 428, Carlos E. Chardon Avenue, Hato Rey, PR 00918-2276, (809) 753-4201

Newark Office

Military Park Building, 60 Park Place, Newark, NJ 07102-5504, (202) 877-1662

Region III

Philadelphia Regional Office

Liberty Square Building, 105 S. 7th Street, Philadelphia, PA 19106-3392, (215) 597-2560

Baltimore Office

The Equitable Building, 10 North Calvert Street 3rd Fl. Baltimore, MD 21202-1865, (301) 962-2121

Charleston Office

405 Capitol Street, Suite 708, Charleston, WV 25301-1795, (304) 347-7000

Pittsburgh Office

412-Old Post Office Courthouse Building, 7th Ave. & Grant St., Pittsburgh, PA 15219-1906

Richmond Office

701 East Franklin Street, Richmond, VA 23219-2591, (804) 771-2721

Washington, DC Office

HUD Building, 451 7th Street SW., Room 3156, Washington, DC 20410-4500, (202) 453-4534

Region IV

Atlanta Regional Office

Richard B. Russell Federal Building, 75 Spring Street SW., Atlanta, GA 30303-3388, (404) 331-5136

Birmingham Office

Daniel Building, 15 South 20th Street, Birmingham, AL 35233-2096, (205) 254-1617

Columbia Office

Strom Thurmond Federal Building, 1835-45 Assembly Street, Columbia, SC 29201-2480, (803) 765-5592

Greenboro Office

415 North Edgeworth Street, Greensboro, NC 27401-2107, (919) 333-5361

Jackson Office

Doctor A.H. McCoy, Federal Building, 100 W. Capitol Street, Suite 1096, Jackson, MS 39269-1069, (601) 965-4702

Jacksonville Office

325 West Adams Street, Jacksonville, FL 32202, (904) 791-2626

Knoxville Office

One Northshore Building, 1111 Northshore Drive, Knoxville, TN 37919-4090, (615) 558-1384

Louisville Office

601 West Broadway, P.O. Box 1044, Louisville, KY 40201–1044, (502) 582–5251

Nashville Office

One Commerce Place, Suite 1600, Nashville, TN 37239–1600, (615) 736–5213

Region V

Chicago Regional Office

300 South Wacker Drive, Chicago, IL 60606–6765, (312) 353–5680

Cincinnati Office

Federal Office Building, 550 Main Street, Rm. 9002, Cincinnati, OH 45202, (513) 684–2884

Cleveland Office

One Playhouse Square, 1375 Euclid Avenue, Rm. 420, Cleveland, OH 44114–1670, (216) 522–4065

Columbus Office

200 North High Street, Columbus, OH 43215–2499, (614) 469–7345

Detroit Office

McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, (313) 226–7900

Grand Rapids

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[FR Doc. 87–11–12 Filed 5–13–87; 8:45 am]
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federal register

Thursday
May 14, 1987

Part III

Department of Education

Office of Special Education and Rehabilitative Services

Rehabilitation Long-Term Training Program for Fiscal Year 1987; Applications for New Awards; Notices

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Rehabilitation Long-Term Training Program; Proposed Funding for Fiscal Year 1987

AGENCY: Department of Education.

ACTION: Notice of Proposed Funding Priority for Fiscal Year 1987.

SUMMARY: The Secretary proposes a funding priority for long-term training grants in the field of Rehabilitation Counseling to ensure effective use of program funds and to direct funds to an area of identified training need during fiscal year 1987. The Secretary will reserve funds for applications meeting this priority.

DATE: Comments must be received on or before June 15, 1987.

ADDRESS: All written comments and suggestions should be sent to Ed Sontag, Office of Developmental Programs, Rehabilitation Services Administration, Office of Speical Education and Rehabilitative Services, Department of Education, 400 Maryland Avenue, SW., (Switzer Building, Room 3042—M/S 2312), Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Delores Watkins, Office of Developmental Programs, Rehabilitation Services Administration. Telephone: (202) 732–1349.

SUPPLEMENTARY INFORMATION: Grants for the Rehabilitation Training Program are authorized by Title III, section 304 of the Rehabilitation Act of 1973, as amended. Program regulations for the Rehabilitation Long-Term Training Program are established at 34 CFR Part 386. The purpose of the Rehabilitation Long-Term Program is to support projects designed to increase the supply of qualified personnel available for employment in public and private agencies and institutions involved in the vocational and independent living rehabilitation of physically and mentally handicapped individuals, especially those who are the most severely handicapped.

Eligible Applicants: Awards are made under this program to State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education.

Funds Available: The Congress appropriated $29,550,000 for the Rehabilitation Training Program in Fiscal Year 1987. Of this amount, it is estimated that $800,000 to $1,200,000 will be available for the support of new projects announced under this notice. An estimated 13 to 18 awards will be funded at an average project award of $65,000.

Proposed Priority

In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3),the Secretary proposes to give an absolute preference to long-term training applications submitted in the field of Rehabilitation Counseling in fiscal year 1987 that respond to the priority described below. An absolute preference is one which permits the Secretary to select only those applications that meet the described priority.

Applications must be submitted in the long-term training field of Rehabilitation Counseling and must be designed to improve and strengthen the capacity of rehabilitation counselors to serve and place severely disabled individuals in employment, especially competitive employment. The training must directly involve students with business and industry in providing rehabilitation services, especially placement services, to severely physically and mentally disabled individuals. The coursework must be designed to provide students with skills and knowledge in: (1) Interpreting diagnositic, psychological, and educational background information to assess the functional capacities of, and do vocational planning for, disabled individuals, including traumatically brain injured individuals and learning disabled individuals; (2) planning effective rehabilitation programs for, and delivering rehabilitation services to, disabled individuals, including traumatically brain injured and learning disabled individuals; (3) job development, job modification, and job restructuring; (4) workers' compensation programs; (5) providing services to disabled individuals to facilitate their transition from school to employment; (6) providing supported employment services to disabled individuals; (7) the applicability of sections 501, 502, 503 and 504 of the Rehabilitation Act and their implications for placement of disabled individuals; and (8) consulting with employers and potential employers to identify employment opportunities for disabled individuals, to educate and train employers in identifying and removing barriers to the employment of disabled individuals, and to educate or train employers and potential employers about various disabilities and the vocational implications of those disabilities. Practicum training must involve students directly with business and industry in developing jobs for and placing disabled individuals in competitive employment. The practicum training may include actual student experiences in business and industry settings.

The proposed training must be pre-employment training and must be at the master's degree level.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding the proposed priority. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before the 30th day after publication of this document will be considered before the Secretary issues the final priority. All comments submitted in response to this proposed priority will be available for public inspection, during and after the comment period, in Room 3042, Mary E. Switzer Building, 330 C Street SW., Washington, DC between the hours of 8:30 a.m. and 4:00 p.m. (Washington, DC time), Monday through Friday of each week except Federal holidays.

(Catalog of Federal Domestic Assistance No. 84.129, Rehabilitation Training Program)

(29 U.S.C. 774)

Dated: April 13, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87–11038 Filed 5–13–87; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No.: 84.129]

Inviting Applications for New Awards Under the Rehabilitation Long-Term Training Program for Fiscal Year 1987; Rehabilitation Counseling

Purpose: To provide grants to State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education, for projects designed to increase the supply of trained personnel available for employment in public and private rehabilitation agencies and institutions involved in the vocational and independent living rehabilitation of individuals with disabilities and to maintain and upgrade the skills and knowledge of personnel employed as providers or administrators of vocational, medical, social, or psychological rehabilitation services to individuals with severe disabilities.

Deadline for Transmittal of Applications: June 30, 1987.

Applications Available: May 15, 1987.

Range of Funds Available: $800,000 to $1,200,000.

Estimated Average Size of Awards: $65,000.

Estimated Number of Awards: 13 to 18.

Project Period: Not to exceed 36 months.

Applicable Regulations: (a) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78); (b) Regulations governing the Rehabilitation Long-Term Training Program (34 CFR Parts 385 and 386); and (c) When adopted in final form, the Notice of Proposed Priority published in this issue of the **Federal Register.** Applicants should prepare their applications based on the proposed priority. If there are any changes made when the final priority is published, applicants will be given the opportunity to amend or resubmit their applications.

Priority: As described in the Notice of Proposed Priority, the Secretary proposes to give an absolute preference to applications that meet the described priority.

For Applications or Information Contact: Mary Vest, Office of Developmental Programs, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, SW., (Switzer Building, Room 3332–M/S 2312), Washington, DC 20202. Telephone: (202) 732–1343.

Program Authority: 29 U.S.C. 774

Dated: May 11, 1987.

Madeleine Will,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 87–11039 Filed 5–13–87; 8:45 am]

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Federal Register

Vol. 52, No. 93

Thursday, May 14, 1987

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Code of Federal Regulations

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Laws 523-5230

Presidential Documents

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Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

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Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, MAY

15935-16228.....1
16229-16366.....4
16367-16804.....5
16805-17282.....6
17283-17386.....7
17387-17536.....8
17537-17746.....11
17747-17914.....12
17915-18186.....13
18187-18334.....14

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5643.....15935
5644.....16229
5645.....16367
5646.....16805, 17678
5647.....16815
5648.....16817
5649.....16819
5650.....17382
5651.....17915
5652.....17917
5653.....18187
5654.....18189

Executive Orders:
6269 (Amended by PLO 6642).....16248
12595.....17383
12596.....17537

5 CFR

110.....16174
831.....17387
842.....18191
870.....17387
890.....17387
950.....16174
1201.....17919
1605.....17919
1631.....17922

Proposed Rules:
550.....17762
890.....17300

7 CFR

2.....17539
250.....17928
251.....17928
252.....16369
278.....18196
354.....16821
400.....17546
420.....17546
424.....17546
425.....17546
428.....17546
430.....17546
431.....17546
432.....17546
433.....17546
444.....17546
445.....17546
447.....17546
449.....17546
702.....16738
760.....17934
907.....16369
910.....15937, 17388
916.....17504
979.....17388
982.....17390
989.....16231
1046.....17747
1477.....18198
1493.....17549

Proposed Rules:
28.....16394
51.....16399
59.....17763
273.....17580
907.....17764
908.....17764
918.....16401
933.....17581
1007.....15951, 17678
1011.....15951, 17678
1033.....17586
1036.....17586
1040.....17586
1046.....15951, 17678
1093.....15951, 17678
1094.....15951, 17678
1096.....15951, 17678
1098.....15951, 17678
1106.....16402

8 CFR

100.....16190
103.....16190
109.....16216
204.....16233
210.....16195
211.....16190
212.....16190, 16370
234.....16190
241.....16370
242.....16190, 16370
245A.....16205
264.....16190
274A.....16216
287.....16370
299.....16190

Proposed Rules:
204.....18236

9 CFR

92.....18199
97.....16233, 16822
318.....17283

Proposed Rules:
91.....17597
381.....15960

10 CFR

50.....16823
962.....15937

Proposed Rules:
50.....16275
60.....16403
435.....17052
1010.....17765

11 CFR

Proposed Rules:
114 ... 16275

12 CFR

207 ... 15941
220 ... 15941
221 ... 15941
224 ... 15941
510a ... 17392
605 ... 18200

Proposed Rules:
563 ... 17406, 18043
565 ... 17408

14 CFR

15 ... 18170
39 ... 16829, 16830, 17550, 17748, 17749, 17935, 17936
43 ... 17276
61 ... 17276
65 ... 17518
71 ... 17366, 17551, 17552, 17937
73 ... 16832, 17393
91 ... 17276
97 ... 17394

Proposed Rules:
21 ... 17409, 17410
25 ... 17890
39 ... 16851, 16852, 17598–17601, 17958, 17959
71 ... 16853–16858

15 CFR

369 ... 17284

16 CFR

13 ... 16234

Proposed Rules:
13 ... 17602, 17960
1015 ... 17767

17 CFR

211 ... 17396, 18200
240 ... 16833
249 ... 16833

Proposed Rules:
240 ... 18237
249 ... 17301

18 CFR

11 ... 18201
16 ... 18227
385 ... 16844
389 ... 18227
410 ... 16238, 17888
1301 ... 17938

19 CFR

101 ... 16373, 18322

Proposed Rules:
101 ... 17770

20 CFR

404 ... 17285
416 ... 16844, 17285

Proposed Rules:
654 ... 16770
655 ... 16770

21 CFR

74 ... 15944
81 ... 15945
176 ... 17553
193 ... 17940, 17941
558 ... 16239
561 ... 17940, 17941
862 ... 16102
864 ... 17732
866 ... 17732
868 ... 17732
870 ... 17732, 18162
876 ... 17732
880 ... 17732
882 ... 17732
884 ... 17732
890 ... 17732
1301 ... 17286
1311 ... 17286
1312 ... 17286

Proposed Rules:
862 ... 16139

22 CFR

41 ... 17942
42 ... 17942
43 ... 17943

24 CFR

201 ... 17397
203 ... 17397
232 ... 17751, 18228
234 ... 17397
235 ... 17751, 18228
243 ... 17949
255 ... 16240
511 ... 17949
842 ... 17949
942 ... 17949

Proposed Rules:
247 ... 16403
886 ... 16403
3280 ... 17896
3282 ... 17412

25 CFR

Proposed Rules:
22 ... 17988

26 CFR

301 ... 17949

Proposed Rules:
301 ... 17989

28 CFR

0 ... 17951
2 ... 17398
17 ... 17752

29 CFR

1910 ... 16241, 17752
1926 ... 17752
1928 ... 16050

Proposed Rules:
500 ... 16859
501 ... 16795
1919 ... 17302
2603 ... 16862

30 CFR

5 ... 17506
15 ... 17506
18 ... 17506
19 ... 17506
20 ... 17506
21 ... 17506
22 ... 17506
23 ... 17506
24 ... 17506
25 ... 17506
26 ... 17506
27 ... 17506
28 ... 17506
29 ... 17506
31 ... 17506
32 ... 17506
33 ... 17506
35 ... 17506
36 ... 17506
74 ... 17506
700 ... 17724
701 ... 17526, 17724
773 ... 17526
785 ... 17724
827 ... 17724
906 ... 17291
950 ... 16845

Proposed Rules:
271 ... 17770
280 ... 15963
773 ... 16275, 17366
902 ... 17772
934 ... 16863
946 ... 17604

32 CFR

43 ... 17951
230 ... 17293
231a ... 17294
286 ... 15946
701 ... 17294
818a ... 17756

Proposed Rules:
155 ... 16854
226 ... 17605

33 CFR

1 ... 17554
3 ... 16480
100 ... 17400
117 ... 18229
165 ... 17295–17297, 18230
166 ... 18231
207 ... 18234

Proposed Rules:
110 ... 17304
117 ... 17413
165 ... 17304
334 ... 17990

34 CFR

221 ... 16748
673 ... 17900

Proposed Rules:
215 ... 17366
221 ... 16764
222 ... 16144
237 ... 18184
250 ... 17532
251 ... 17532
309 ... 18174
315 ... 17744
350 ... 17368
351 ... 17368
352 ... 17368
353 ... 17368
354 ... 17368
355 ... 17368
356 ... 17368
357 ... 17368
358 ... 17368
359 ... 17368
614 ... 17906
762 ... 16362

36 CFR

1154 ... 16374

38 CFR

3 ... 17773
21 ... 17951

Proposed Rules:
4 ... 17607
21 ... 17990
42 ... 16409

39 CFR

10 ... 17401

40 CFR

52 ... 16243, 16246, 16384
60 ... 17555
65 ... 16247, 17759
81 ... 17952, 17953
147 ... 17680
180 ... 16847, 17954
261 ... 17401
271 ... 17403
716 ... 16022

Proposed Rules:
52 ... 16877, 18240–18244
60 ... 16334
147 ... 17684, 17696
180 ... 16878, 16880
260 ... 16982
261 ... 16982
262 ... 16158, 17888
264 ... 16982
265 ... 16982
266 ... 16982, 18043
270 ... 16982
271 ... 16982
300 ... 17991
440 ... 17993
712 ... 18245–18250
716 ... 18245

42 CFR

Proposed Rules:
405 ... 17777

43 CFR

Public Land Orders:
6642 ... 16248
6643 ... 16248

Proposed Rules:
2 ... 17780

44 CFR

64 ... 17955

Proposed Rules:
80 ... 17415
81 ... 17415
82 ... 17415
83 ... 17415

45 CFR

Ch. V ... 17556

Proposed Rules:
612 ... 16279

46 CFR

69 ... 15947

Proposed Rules:
Ch. IV ... 17787
502 ... 16418
503 ... 16418
558 ... 16282
559 ... 16282

560 16282
561 16282
562 16282
564 16282
566 16282
569 16282

47 CFR

Ch. I 16386
1 16249
22 16847
36 17228
61 16388
64 17760
65 17228
67 17228
69 17228
73 ..... 16480, 16849
76 17574
95 16262

Proposed Rules:

15 17612
69 17252
73 ..... 16883, 16884, 17791, 17993, 18253

48 CFR

Ch. 16 16032
1 18158
27 18158
52 18158
204 16263
205 16263
206 16263
219 16263
252 16263
519 16390
552 16390
553 16390
1033 17298

Proposed Rules:

5 17280
6 17280
31 18158
35 17280
204 16289
205 16289
206 16289
219 16289
252 16289
819 16290

49 CFR

173 15948
1039 17404
1312 15948

Proposed Rules:

171 16482
172 16482
173 16482
174 16482
175 16482
176 16482
177 16482
178 16482
179 16482
571 ..... 17306, 17791
1160 17420
1165 17420
1201 17792
1330 17613

50 CFR

301 16268
651 17298
652 16274
661 17264
671 17577
672 17404
675 15949

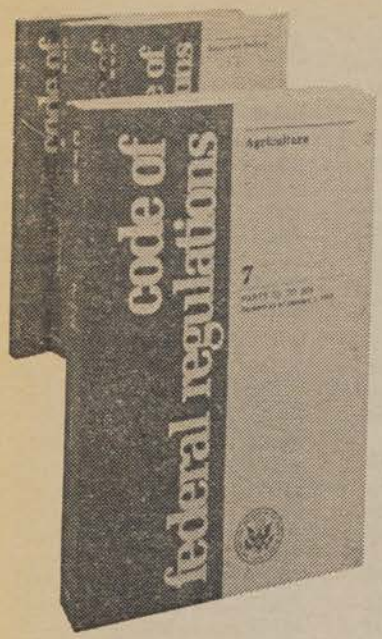
Proposed Rules:

25 17613
215 17307
217 17615
222 17615
227 17615
604 16419
642 17422
652 16419
680 17422
681 17422
684 17422
685 17422

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List May 13, 1987



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